

EXHIBIT G

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHEASTERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
Plaintiff,)
vs.) No. 09 CH 1080
UNIVERSITY OF CHICAGO POLICE)
OFFICER LARRY TORRES, et al.,)
Defendants.)

The discovery deposition of LARRY TORRES, taken in the above-entitled cause, before Karen E. Dominick-Rigoni, a Registered Professional Reporter of Cook County, Illinois, on the 9th day of November, 2009, at the hour of 10:08 a.m. at 222 North LaSalle Street, Suite 300, Chicago, Illinois, pursuant to notice.

Reported by: Karen E. Dominick-Rigoni, CSR, RPR
License No.: 084-004480

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APPEARANCES:

ED FOX & ASSOCIATES, By
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Representing the Plaintiff;

HINSHAW & CULBERTSON, LLP, By
MR. STEVEN M. PUISZIS
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- AND -

CITY OF CHICAGO - DEPARTMENT OF LAW
EMPLOYMENT AND POLICY LITIGATION
DIVISION, By
MS. HELEN GIBBONS
30 North LaSalle Street, Room 900
Chicago, Illinois 60602
(312) 742-3541

Representing the Defendants.

MR. KSIAZEK: Mr. Torres, would you please state your name — full name for the record and spell the last.

THE WITNESS: Larry Torres, T-o-r-r-e-s.
(Witness sworn.)

LARRY TORRES,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KSIAZEK:

Q. Now that you're sworn, have you ever had your deposition taken before?

A. No.

Q. So this is the first time you've taken a deposition?

A. Yes.

Q. Okay. I'll just explain some basic ground rules. Since this is your first time, basically I'm going to be asking you some questions and I ask that you answer truthfully and to the best of your knowledge; is that okay?

A. Yes.

Q. And I'm going to ask that you answer all my questions verbally. So just like you

1 answered yes just now, I'd ask that you answer
2 with a yes or no or whatever answer you provide,
3 just make sure not to shake your head or don't
4 say any uh-huhs or uh-uhs just because the court
5 reporter can't pick that up, okay?

6 A. Okay.

7 Q. I will try my best not to talk over you
8 just because we don't want to cause confusion
9 for the court reporter, and then I just ask that
10 you try not to talk over me and just the
11 transcript reads out better that way, okay?

12 A. Okay.

13 Q. And, lastly, if you ever need to take a
14 break, then you can just ask for a break. Just
15 make sure that if you do ask for a break, you
16 have answered my question before you do ask for
17 a break; is that fair?

18 A. Okay.

19 Q. Okay. If I could ask, what documents
20 did you review in preparation for your
21 deposition today?

22 A. I just overlooked my initial report.

23 Q. The police report?

24 A. Correct.

5

1 school?

2 A. For a company called Clean Way
3 Sweeping.

4 Q. What were you doing for Clean Way?

5 A. Driving a truck.

6 Q. How long did you work for Clean Way?

7 A. Approximately three years.

8 Q. What did you do -- or why did you leave
9 Clean Way?

10 A. I got another job.

11 Q. And where did you work after Clean Way?

12 A. The City of Chicago.

13 Q. Were you working as an officer?

14 A. No. As a garbage man.

15 Q. How long did you work as a garbage man
16 for the city?

17 A. About four years.

18 Q. Okay. And what did you -- why did you
19 leave the city as a garbage man?

20 A. Because I wanted to become a police
21 officer.

22 MR. PUISZIS: It was a smelly job, right?

23 THE WITNESS: I couldn't take the smell.

24

7

1 Q. And you understand you're under oath
2 and you have an obligation to testify truthfully
3 today?

4 A. Yes.

5 Q. Is there any preventing you today from
6 testifying truthfully?

7 A. No.

8 Q. Just some background information. What
9 is your educational background?

10 A. I graduated high school and I had some
11 college.

12 Q. When did you graduate high school?

13 A. '88.

14 Q. Where did you graduate from?

15 A. Leo High School.

16 Q. Is that -- where is that located?

17 A. 79th and Sangamon.

18 Q. Okay. And did you immediately go to
19 college after that?

20 A. No.

21 Q. Okay. What did you do after graduating
22 from high school?

23 A. I worked.

24 Q. And where did you work after high

6

1 BY MR. KSIAZEK:

2 Q. Okay. So you said you worked for three
3 years for Clean Way, for four years as a garbage
4 man, so that would be about 1995 when you left
5 the city as a garbage man?

6 A. Well, no, because I was working for
7 Clean Way while I was still in school.

8 Q. Okay. So when did you leave the city
9 as a garbage man?

10 A. I believe it was '92.

11 Q. And is that when you went to become an
12 officer?

13 A. Correct.

14 Q. Okay. Did you go to college in 1992?

15 A. I was going to night classes.

16 Q. You were going to night classes.

17 When did you go to night classes?

18 A. I'm trying to think exactly what year
19 it was, because I just took several classes in
20 criminal justice.

21 Q. Do you recall if it was when you were
22 working for Clean Way or for when you were
23 working as a garbage man?

24 A. Garbage man.

8

1 Q. Where did you take these night classes?
 2 A. Daley College.
 3 Q. Do you recall how long -- for how many
 4 years you took these classes?
 5 A. Two years.
 6 Q. Did you graduate with a degree?
 7 A. No.
 8 Q. Okay. So 1992, did you become an
 9 officer with the city?
 10 A. No.
 11 Q. Okay. Where did you -- what did you do
 12 after working as a garbage man?
 13 A. I became a police officer with the
 14 Cook County Forest Preserve Police.
 15 Q. What were -- what was your job title as
 16 a Cook County Forest Preserve? Were you a
 17 patrol officer?
 18 A. Yes.
 19 Q. What were your duties as a patrol
 20 officer with the forest preserve?
 21 A. Patrol the forest preserves.
 22 Q. Did you have a -- what was your
 23 assignment during that time?
 24 A. My assignment?

9

1 Q. And this was approximately 1995?
 2 A. Approximately.
 3 Q. How long did you work for Department of
 4 Streets and Sanitation?
 5 A. Until 2005.
 6 Q. And what did you do in 2005?
 7 A. I then resigned from the City of
 8 Chicago.
 9 Q. Why did you resign?
 10 A. To become a police officer.
 11 Q. And where were you employed in 2005 as
 12 a police officer?
 13 A. I was a -- I always did part-time in
 14 between all this. I was a Crestwood Police
 15 officer and I did the Merrionette Park
 16 part-time.
 17 Q. Okay. So you worked at Crestwood?
 18 A. Crestwood.
 19 Q. And Merrionette Park?
 20 A. Merrionette Park. I was doing that
 21 part-time.
 22 Q. Do you recall what years you were
 23 working at Crestwood part-time?
 24 A. I would say -- Crestwood or?

11

1 Q. Yes. Did you work in a specific forest
 2 preserve?
 3 A. No. Anywhere in Cook County.
 4 Q. Okay. How long did you work for the
 5 Cook County Forest Preserve?
 6 A. For, let's see, I believe it was
 7 three years.
 8 Q. And why did you leave the Cook County
 9 Forest Preserve?
 10 A. For another job.
 11 Q. Were you ever disciplined as part of
 12 your job at the Cook County Forest Preserve?
 13 A. No.
 14 Q. Did you ever get written up when you
 15 worked for the Cook County Forest Preserve?
 16 A. No.
 17 Q. So what job did you -- what job did you
 18 acquire after you worked for the Cook County
 19 Forest Preserve?
 20 A. I then had worked for the Department of
 21 Streets and Sanitation for the City of Chicago
 22 as a foreman.
 23 Q. As a foreman you said?
 24 A. Correct.

10

1 Q. Just Crestwood for now.
 2 A. I believe it was -- it was so long ago.
 3 Q. Go ahead.
 4 A. Maybe '93, '95. I'm not sure.
 5 Q. Do you mean 1993 to 1995 or '93 or '95?
 6 A. '93 or '95. I'm not sure what year I
 7 started over there.
 8 Q. Okay. How long did you work there
 9 part-time?
 10 A. Two years.
 11 Q. And why did you leave Crestwood?
 12 A. To go to Merrionette Park. I just
 13 jumped around.
 14 Q. And were you ever disciplined as part
 15 of your duties at Crestwood while you were a
 16 part-time officer there?
 17 A. No.
 18 Q. Were you ever written up?
 19 A. No.
 20 Q. So how long did you work for
 21 Merrionette Park as a part-time officer?
 22 A. 2000 to 2007.
 23 Q. How many hours did you work part-time
 24 for Crestwood on, let's say, a weekly basis?

12

1 A. It was only approximately 12 hours a
2 week.
3 Q. Do you recall what shift you worked?
4 A. Nights.
5 Q. Would that be the first shift maybe?
6 A. Midnights.
7 Q. Midnight shift.
8 And how many hours a week did you work
9 for Merrionette Park part-time?
10 A. It was approximately two days a week,
11 too, so that was like -- the shifts are usually
12 six hours or 12 hours, too. When they're
13 part-time, they're not a full eight hours.
14 Q. And would you still work the night
15 shift for Merrionette Park?
16 A. Yes.
17 Q. Were you ever disciplined when you
18 worked for Merrionette Park?
19 A. No.
20 Q. And did you ever receive any write-ups
21 when you worked there?
22 A. No.
23 Q. What were you a patrol officer for --
24 A. Yes.

13

1 Q. -- Crestwood?
2 And a patrol officer for
3 Merrionette Park?
4 A. Yes.
5 Q. Did you have a beat that you were
6 assigned to?
7 A. No.
8 Q. So how would you get your assignments?
9 A. Just dispatch.
10 Q. And is that the same with
11 Merrionette Park?
12 A. Yes.
13 Q. You didn't have an assigned beat?
14 A. No.
15 Q. So when did you start working for the
16 City of Chicago as a police officer?
17 A. I never was a police officer.
18 Q. Oh, I'm sorry.
19 Okay. Where did you -- when did you
20 obtain a full-time police officer job?
21 A. I was full-time with the forest
22 preserve and then I became with the
23 University of Chicago.
24 Q. When did you start with the

14

1 University of Chicago?
2 A. January of '07.
3 Q. Is that why you left your part-time
4 position with Merrionette Park?
5 A. Yes.
6 Q. Okay. Have you ever served in the
7 military?
8 A. No.
9 Q. Okay. Officer, how tall are you?
10 A. Five eleven.
11 Q. And how much do you weigh?
12 A. Approximately 200.
13 Q. How old are you?
14 A. 40.
15 Q. So do you still work for the
16 University of Chicago Police Department?
17 A. Yes.
18 Q. And you've worked for the University of
19 Chicago since January of '07 through today's
20 date?
21 A. Correct.
22 Q. Have you had any other jobs in between
23 January '07 and today's date?
24 A. No.

15

1 Q. So what is your position with the
2 University of Chicago?
3 A. My current position?
4 Q. Yes.
5 A. I'm a sergeant with patrol.
6 Q. And what does that -- what does being a
7 sergeant entail? What are your duties?
8 A. Just supervisor. I supervise
9 patrolmen.
10 Q. Do you go on patrol yourself?
11 A. Yes.
12 Q. On October 18, 2008, what was your
13 rank?
14 A. Patrolman.
15 Q. Okay. When did you become a sergeant?
16 A. August 9 of this year.
17 Q. Can you describe the training or did
18 you receive any training to become a police
19 officer at the University of Chicago?
20 A. With the University of Chicago?
21 Q. Yes.
22 A. Just basic house training they call it,
23 which is you just learn their certain areas,
24 beats.

16

1 Q. Do you remember how long this training
2 was?

3 A. The university's training, I believe it
4 was six weeks.

5 Q. Did you receive any other training
6 besides basic – or, actually, let's go back.

7 What do you mean by "basic house
8 training"?

9 A. Well, I did my initial training with
10 the Chicago Police Academy when I became a
11 forest preserve police. But when you go to
12 different departments, they have different
13 ordinances and reports and you just generally
14 learn their areas and reports.

15 Q. Do you know when you received your
16 basic training, what year, when you went to the
17 forest preserve?

18 A. I believe that was when I started at
19 the forest preserve. It was either '93 or '95.
20 It was – you go to the Chicago Police Academy
21 for 16-week training.

22 Q. Okay. What shift do you currently
23 work?

24 A. Midnights.

17

1 training Officer Moore on October 18, 2008?

2 A. Yes.

3 Q. Were you given special instructions in
4 regards to how to train Officer Moore on
5 October 18, 2008?

6 A. No.

7 Q. So what is your understanding of what
8 your duties were in regards to training
9 Officer Moore?

10 A. Basically just show him the area
11 because he's a Chicago Police officer, so he has
12 all the training he needs.

13 Q. So basically you were just driving –

14 A. Showing him the area, our boundaries.

15 Q. Okay. Were you driving a patrol car
16 that day –

17 A. Yes.

18 Q. – on October 18?

19 MR. PUISZIS: Let him finish his question
20 before you answer.

21 BY MR. KSIAZEK:

22 Q. Can you just briefly describe what a
23 University of Chicago patrol car looks like.

24 A. They're all white with lettering on the

19

1 Q. And were you working that same shift on
2 October 18, 2008?

3 A. Yes.

4 Q. Were you working with a partner on
5 October 18, 2008?

6 A. Yes.

7 Q. Who were you working with?

8 A. Officer Moore.

9 Q. Do you know how long Officer Moore had
10 been working for the University of Chicago
11 Police Department on October 18, 2008?

12 A. He was just recently hired.

13 Q. And do you know why you were assigned
14 to work with Officer Moore?

15 A. They just – in the roll call room,
16 they just assign people to each other. You
17 don't pick.

18 Q. Had you worked with Officer Moore
19 previous to October 18, 2008?

20 A. No.

21 Q. So this is your first time working with
22 him?

23 A. Correct.

24 Q. Was it your understanding that you were

18

1 side that says Police. It's, like, a maroon
2 color and underneath it says University of
3 Chicago.

4 Q. And do you know what beat you were
5 working on October 18, 2008?

6 A. 109.

7 Q. What are the boundaries of Beat 109?

8 A. That would be 61st to 64th, then it
9 would be Cottage Grove to Lake Shore Drive.

10 Q. And who was driving the patrol car on
11 October 18, 2008?

12 A. Officer Moore.

13 Q. Why was he driving that day?

14 A. He chose to.

15 Q. As a University of Chicago Police
16 officer, what is your jurisdiction?

17 MR. PUISZIS: Objection, I'm not sure I
18 understand the question.

19 BY MR. KSIAZEK:

20 Q. Let me see if I can clarify. What –
21 do you have a separate jurisdiction from the
22 Chicago Police Department?

23 MR. PUISZIS: Again, I object, I'm not sure I
24 understand.

20

1 MS. GIBBONS: Join in the objection.
 2 BY MR. KSIAZEK:
 3 Q. Does your boundaries – does University
 4 of Chicago's boundaries overlap with the
 5 Chicago Police's boundaries with their
 6 jurisdiction?
 7 MS. GIBBONS: Objection, vague.
 8 BY MR. KSIAZEK:
 9 Q. If you know.
 10 A. Do they overlap?
 11 Q. Yes.
 12 A. What do you mean by "overlap"?
 13 Q. Well, let's say hypothetically you were
 14 to pull someone over, does the University of
 15 Chicago have sole jurisdiction over an area or
 16 does it overlap with the Chicago Police
 17 Department? I guess I'm asking do you work in
 18 conjunction with the University of Chicago –
 19 or, I'm sorry, the Chicago Police Department or
 20 do you have your own separate area?
 21 MR. PUISZIS: You mean, do they – certain
 22 areas they patrol exclusively without any
 23 City of Chicago?
 24 MR. KSIAZEK: That would be a better

21

1 question, yes.
 2 BY MR. KSIAZEK:
 3 Q. Are there any areas that you patrol
 4 exclusively where the city does not?
 5 A. No.
 6 Q. What is the extent of the University of
 7 Chicago's police powers?
 8 A. As to what? What do you mean?
 9 Q. Can you arrest a suspect?
 10 A. We detain for the City of Chicago.
 11 Q. What do you mean by "detain"?
 12 A. Well, we don't actually make the full
 13 arrest. Chicago Police Department makes the
 14 arrest. They do the processing and everything.
 15 We assist them in calls and we detain people for
 16 the City of Chicago.
 17 Q. Do you write reports?
 18 A. We write our own reports.
 19 Q. Do you have the occasion to look at any
 20 reports of stolen vehicles? Can you see whether
 21 or not a vehicle is stolen on your computer?
 22 A. On a computer?
 23 Q. Yes. Well, actually, let me go back.
 24 Do you have a computer in your car, your patrol

22

1 car?
 2 A. Yes.
 3 Q. And did you have a computer in your car
 4 on October 18, 2008?
 5 A. No.
 6 Q. So on October 18, 2008, you didn't have
 7 the opportunity to look whether or not a car was
 8 stolen?
 9 A. Repeat that question.
 10 Q. Sure. On October 18, 2008, you were
 11 working without a computer, right?
 12 A. Correct.
 13 Q. So if you got information from a
 14 suspect, could you look up any information about
 15 that suspect on – in any way?
 16 A. If I had a computer, I could.
 17 Q. How would you receive information from
 18 a suspect without a computer?
 19 A. Through a radio.
 20 Q. So on October – in October 2008, you'd
 21 have to radio to dispatch to get information –
 22 A. Correct.
 23 Q. – about a suspect?
 24 And if you were to run a plate for

23

1 instance, you'd have to radio that to dispatch,
 2 too?
 3 A. Yes.
 4 Q. Okay. Did you have the occasion to be
 5 at approximately 1435 East 53rd Street that
 6 night on October 18, 2008?
 7 A. Was I there? Yes.
 8 Q. Do you recall what time you were there?
 9 A. Approximately 2:30 in the morning.
 10 Q. What were you doing on 53rd Street at
 11 about 2:30 in the morning?
 12 A. I was – went for coffee at Dunkin'
 13 Donuts.
 14 Q. Do you know if that Dunkin' Donuts is
 15 open 24/7?
 16 A. Yes.
 17 Q. Was Officer Moore with you at that
 18 time?
 19 A. Yes.
 20 Q. So both Officer Moore and yourself went
 21 inside the Dunkin' Donuts for coffee?
 22 A. Correct.
 23 Q. And what happened after you got the
 24 coffee from Dunkin' Donuts?

24

6 (Pages 21 to 24)

1 A. As we proceeded to exit the building,
2 we heard a car horn, and when we opened the
3 door, we walked out, we seen a car with the horn
4 driving past.

5 Q. So you heard the horn while you were
6 inside Dunkin' Donuts?

7 A. The doorway, we were coming out, just
8 about outside the door. Were in the door.
9 There's two doors.

10 Q. Okay. When you say there's two
11 doorways, was the first -- let's say, the main
12 entrance door, was that door open?

13 A. The street -- from the street side or
14 inside?

15 Q. From the street side.

16 A. No.

17 Q. Was the inside door, as you say, the
18 second door, not the street door, but the inside
19 door, was that door open?

20 A. No.

21 Q. So both doors were closed --

22 A. Closed, correct.

23 Q. -- when you heard the horn?

24 A. Correct.

25

1 Q. And what did you do once you first
2 noticed this car?

3 A. I proceeded to walk into my patrol car.

4 Q. Did Officer Moore do the same thing?

5 A. Yes.

6 Q. Did you keep the car in your sight as
7 you were heading towards your patrol car?

8 A. Yes.

9 Q. What did you notice, if anything, about
10 the car as you were walking towards your own
11 car?

12 A. I noticed that the car pulled over
13 abruptly and hit the curb with the tires.

14 Q. All right. How far away was -- let's
15 go back.

16 In what direction of travel was the car
17 that the horn was going off? What direction of
18 travel was that car traveling?

19 A. Eastbound on 53rd.

20 Q. And as I understand it, 53rd Street is
21 an east/west street?

22 A. Correct.

23 Q. And your own car was parked in front --

24 A. Correct.

27

1 Q. Can you describe the horn noise that
2 you heard when you were inside the Dunkin'
3 Donuts?

4 A. Just a consistent, like, horn. It
5 didn't -- it was consistent. It wasn't a
6 beeping. It was just a --

7 Q. Was it loud or --

8 A. Yes.

9 Q. -- was it soft?

10 A. Loud.

11 Q. Did -- after you heard this horn, did
12 you look up to see if there was a car that this
13 horn was coming from?

14 A. Yes. We seen a car drive by with the
15 horn blowing still.

16 Q. So when you first heard the horn, did
17 you see a car at that point?

18 A. No.

19 Q. When did you first see the car?

20 A. As we exited the building.

21 Q. Approximately how much time had passed
22 in between when you first heard the horn and
23 when you saw the car?

24 A. Seconds.

26

1 Q. -- of the Dunkin' Donuts?

2 A. Correct.

3 MR. PUISZIS: Let him finish his question
4 before you answer it, okay?

5 BY MR. KSIAZEK:

6 Q. And what car was -- or what direction
7 was your car facing when it was parked on the
8 street?

9 A. Eastbound.

10 Q. Okay. You said that the car pulled
11 over and abruptly hit the curb with its tires.
12 How far away when you exited the Dunkin' Donuts
13 was this car from you at that point?

14 A. When I exited the door?

15 Q. Right. When you first exited the
16 Dunkin' Donuts, how far away was the car with
17 the horn away from you?

18 A. It was right in front of us.

19 Approximately 20 feet then.

20 Q. So if you were to walk straight ahead
21 about 20 feet, you would have gotten straight to
22 the car? Was it right in front of you on the
23 street in your field of vision or was it to your
24 left or right?

28

1 A. When I opened the door, it was right in
2 front of me.
3 Q. So straight ahead in your field of
4 vision?
5 A. Correct.
6 Q. And how long -- how much time had
7 passed between when you saw the car as you were
8 walking outside the Dunkin' Donuts and when it
9 pulled over and hit the curb as you stated?
10 A. How long was it?
11 Q. Yeah. How much time had passed?
12 A. A minute or so.
13 Q. Approximately how far had the car
14 traveled from what you could tell?
15 A. From where, the curb?
16 Q. Right. I'm sorry, when you first saw
17 it as you walked outside the Dunkin' Donuts to
18 when it can curbed, yes.
19 A. How far from the point where I seen it
20 to the point where it curbed, how far was that
21 distance?
22 Q. Correct. Yes.
23 A. Approximately 75 feet, 100 feet.
24 MR. PUISZIS: So a minute or so it took to

29

1 travel that distance?
2 THE WITNESS: As soon as I seen the car, it
3 curbed.
4 BY MR. KSIAZEK:
5 Q. Was there a lot of traffic on that
6 night?
7 A. I don't recall seeing cars out there.
8 Q. So as far as you recall, this was the
9 only car --
10 A. Correct.
11 Q. -- that was out there?
12 Now, at any point, did the horn stop
13 going off in between when you first saw the car
14 outside the Dunkin' Donuts and when it pulled
15 over to the curb?
16 A. When did it stop?
17 Q. At any point, did it stop in between
18 when the car -- when you first saw the car and
19 when it pulled over the curb?
20 A. It stopped when the car curbed.
21 Q. Did it immediately stop once it curbed
22 or was it a few seconds after or --
23 A. I don't recall.
24 Q. But you just recall about the time when

30

1 the car curbed, the horn --
2 A. The noise stopped, correct.
3 Q. Now, you say that the car pulled over
4 and abruptly hit the curb with its tires. Can
5 you describe how this occurred?
6 MR. PUISZIS: Objection, asked and answered.
7 You can go ahead and answer it again.
8 THE WITNESS: It pulled over at a quick
9 speed, hit the curb and stopped.
10 BY MR. KSIAZEK:
11 Q. Did you actually see the tires hit the
12 curb itself?
13 A. Yes.
14 Q. How much force, I guess, would you say
15 the tires struck the curb with?
16 MR. PUISZIS: Objection, characterization. I
17 don't know that I understand the question, "how
18 much force".
19 MS. GIBBONS: Join in the objection.
20 BY MR. KSIAZEK:
21 Q. Was it -- did it hit it strongly? Did
22 it sort of bump up against the curb?
23 MR. PUISZIS: Objection, I don't understand
24 the question. But if you understand the

31

1 question, you can go ahead and answer it. I'm
2 not sure if anyone can talk about how strongly
3 something bumps a curb.
4 MS. GIBBONS: I join.
5 BY MR. KSIAZEK:
6 Q. If you know.
7 A. No.
8 Q. Did you see the car shake at any point
9 when it hit the curb?
10 A. Yes.
11 Q. Can you describe how the car shook when
12 it hit the curb?
13 A. Side to side.
14 Q. How -- approximately how many times did
15 it shake?
16 A. It just shook. I wasn't counting.
17 Q. Did you have any conversation with
18 Officer Moore when you first heard the horn
19 sounding? Did you say anything to him and did
20 he say anything to you?
21 A. Officer Moore stated let's check the
22 car out.
23 Q. Was this when you were still inside the
24 Dunkin' Donuts?

32

1 A. As we were walking to our vehicle.
 2 Q. So this was after the car had gone past
 3 you?
 4 A. Yes.
 5 Q. Did you say anything in response to
 6 Officer Moore when he said let's check out the
 7 vehicle?
 8 A. No.
 9 Q. So what did you proceed to do after you
 10 saw the car hit the curb?
 11 A. Well, at that time, I was inside
 12 sitting down in the passenger side and I just –
 13 I just kept staring at the car the whole time
 14 when Officer Moore pulled up.
 15 Q. Okay. Where – were you inside the car
 16 when you saw the car with the horn actually hit
 17 the curb?
 18 A. I was getting into the car.
 19 Q. So you were in the process of getting
 20 into your car?
 21 A. Correct. Looking at the car.
 22 Q. Now, can you describe the vehicle that
 23 you saw that the horn was going off in?
 24 A. It was a silver Chrysler, four-door.

33

1 Q. Do you know what year it was?
 2 A. No.
 3 Q. Did you turn on your lights once you
 4 got inside the vehicle?
 5 A. I don't recall. I wasn't driving.
 6 Q. Okay. Do you recall if Officer Moore
 7 turned on the lights once you got in the
 8 vehicle?
 9 A. No, I don't recall.
 10 Q. So are you unsure whether or not the
 11 lights were on?
 12 MR. PUISZIS: He said he didn't know. He
 13 doesn't remember. So, I mean, I don't know how
 14 he can say anything more if he doesn't remember.
 15 Objection, sorry.
 16 BY MR. KSIAZEK:
 17 Q. Approximately how long did it take for
 18 you – yourself and Officer Moore to travel to
 19 the – where the vehicle had curbed itself?
 20 A. A couple minutes.
 21 Q. Did you have any conversations with
 22 Officer Moore once you were inside the vehicle?
 23 A. He just said let's make sure
 24 everything's all right with this car.

34

1 Q. Did you say anything in response?
 2 A. I said okay.
 3 Q. And what did you understand him to mean
 4 by that statement?
 5 A. To what?
 6 MR. PUISZIS: Objection, calls for a
 7 characterization.
 8 BY MR. KSIAZEK:
 9 Q. Well, what is your understanding of
 10 that statement?
 11 A. Say it again.
 12 Q. What did you understand that statement
 13 to mean, by he said let's make sure everything
 14 was all right?
 15 A. To check the safety concerns of that
 16 vehicle.
 17 Q. Did you – at that point when you got
 18 into the car and the horn was going off, did you
 19 think that the vehicle was stolen?
 20 A. Possible.
 21 Q. And why did you think that?
 22 A. Because the horn was going off.
 23 Q. What about the horn going off made you
 24 think that the vehicle might be stolen?

35

1 A. Because most older cars, the alarm
 2 system is a horn.
 3 Q. Did this car appear to you to be a
 4 newer car or an older car?
 5 A. It looked older.
 6 Q. And did you have any other reason to
 7 believe that this vehicle was stolen besides the
 8 fact that the horn was going off?
 9 A. No.
 10 Q. Did you tell Officer Moore that you
 11 believed that this vehicle might be stolen while
 12 you were inside your car?
 13 A. No.
 14 Q. Did you tell dispatch that you thought
 15 you might be in pursuit of a stolen car?
 16 A. No.
 17 MR. PUISZIS: Objection, the car was already
 18 stopped.
 19 MS. GIBBONS: Join in that objection.
 20 BY MR. KSIAZEK:
 21 Q. Did you call – did you tell officer –
 22 did you tell dispatch that you were stopping to
 23 investigate a possible stolen car?
 24 A. No.

36

1 Q. So did you have any information about
2 the vehicle when you -- yourself and
3 Officer Moore stopped except for the -- about
4 the Chrysler that you spoke of besides the fact
5 that the horn was going off, any other
6 information about the vehicle?
7 MR. PUISZIS: At what point?
8 MR. KSIAZEK: When they first stopped their
9 car next to the --
10 MR. PUISZIS: Oh, when the officer stopped.
11 MR. KSIAZEK: When the officer stopped --
12 right, I'm sorry.
13 THE WITNESS: Repeat that.
14 BY MR. KSIAZEK:
15 Q. Sure. Did you have any information
16 about the Chrysler when yourself and Officer
17 Moore stopped your vehicle next to the Chrysler?
18 A. No.
19 Q. So the only thing you knew about the
20 Chrysler was that the horn was going off?
21 A. Correct.
22 Q. Okay. Did you notice -- what did you
23 notice as you were driving towards the Chrysler,
24 if anything?

37

1 A. I noticed when it hit the curb, two
2 people got out quickly and walked away from my
3 eyesight.
4 Q. And where were these two people --
5 where did these two people exit from in the car,
6 was it the driver's side or the passenger's
7 side?
8 A. One was the driver, the other one was
9 the passenger rear.
10 Q. And approximately -- you said they
11 walked out of your eyesight. Approximately how
12 far from you did they walk?
13 A. To the corner.
14 Q. Do you know if there's any businesses
15 or stores on that corner where they walked
16 towards?
17 A. There's a lot of businesses and stores.
18 Q. What businesses and stores are on
19 53rd Street along this area that we're talking
20 about right now?
21 MR. PUISZIS: You mean that are open at 2:30
22 in the morning?
23 MR. KSIAZEK: I'm just talking about in
24 general.

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1 THE WITNESS: I mean, quite a few. There's a
2 bank. There's a Boston Market. There's quite a
3 few, but nothing open at that time.
4 BY MR. KSIAZEK:
5 Q. Well, you said there was a bank, right?
6 A. Correct.
7 Q. And according to your knowledge, you
8 could possibly access the ATMs at 2 o'clock in
9 the morning?
10 A. Yes, they're 24 hours.
11 Q. And you said the Dunkin' Donuts was
12 open 24/7, right?
13 A. Correct.
14 Q. You said these two people walked away
15 from your eyesight?
16 A. Correct.
17 Q. Did they ever run or jog?
18 A. No.
19 Q. Was there anything suspicious about the
20 fact that they walked away from the car?
21 A. Yes, with the horn going -- when the
22 car curbed so quick at 2:30 in the morning, you
23 know, two gentlemen exited the vehicle right
24 away, we thought there might be a problem.

39

1 Q. And did you ever try to go after this
2 driver and passenger of the car?
3 A. No.
4 Q. Why not?
5 A. Because we grabbed the other guy who
6 exited the vehicle out at the same -- later.
7 That's who we stopped, was Mr. Boyle.
8 Q. Okay. Where were you when you saw the
9 driver and passenger get out of the car?
10 A. I was in the passenger seat of the
11 squad car.
12 Q. Okay. How far away were you from the
13 Chrysler?
14 A. Ten feet.
15 Q. So were you still approaching the
16 Chrysler or were you stopped?
17 A. Approaching it.
18 Q. So you were about ten feet from the
19 Chrysler and you had not stopped yet?
20 A. Correct.
21 Q. Was the street lighted at 2:30 in the
22 morning?
23 A. Yes, there's streetlights.
24 Q. Did you say anything to Officer Moore,

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10 (Pages 37 to 40)

1 did Officer Moore say anything to you when you
 2 observed these individuals -- the two
 3 individuals exit the car from the driver and
 4 passenger side?
 5 A. No.
 6 Q. Did you radio to dispatch for backup
 7 once you saw these two individuals leave their
 8 car?
 9 A. No.
 10 Q. Why not?
 11 A. First we were trying to find out what
 12 the problem was.
 13 Q. So did you feel that the problem, the
 14 horn going off, was more important than these
 15 two individuals walking away from the car?
 16 A. No. There was two other individuals
 17 still there.
 18 Q. So at some point, did you actually --
 19 did Officer Moore actually stop the car --
 20 A. Yes.
 21 Q. -- next to the Chrysler?
 22 A. Yes.
 23 Q. Where in relation to the Chrysler did
 24 Officer Moore park your patrol car?

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1 A. I don't recall the exact spot.
 2 Q. Was it behind the Chrysler?
 3 A. I don't remember.
 4 Q. Let me ask it this way: When you
 5 left -- when you exited the vehicle, in what
 6 direction did you have to travel to approach the
 7 Chrysler?
 8 A. When I stepped out, my door was right
 9 there by the car, so we were just a matter of
 10 feet away.
 11 Q. So if I understand this correctly, when
 12 you opened your door and you stepped out, was
 13 the Chrysler to your right?
 14 A. Yes.
 15 Q. And approximately how many feet was in
 16 between yourself -- or, I'm sorry, your patrol
 17 car and the Chrysler?
 18 A. Ten feet.
 19 Q. Was that from your passenger side door
 20 to the driver's side door of the Chrysler?
 21 A. I don't recall if -- you're saying that
 22 if my door was next to the driver's door?
 23 Q. Right. So you said you don't recall
 24 whether you parked alongside the Chrysler or if

42

1 you're parked behind, right?
 2 A. Correct.
 3 Q. Okay. But you did say that when you
 4 opened your door, it was about ten feet from --
 5 to walk to the Chrysler, right?
 6 A. Correct.
 7 Q. And so -- and you said you -- did you
 8 say which direction you walked towards to get
 9 towards the Chrysler?
 10 A. Just walked right -- straight to the
 11 Chrysler.
 12 Q. Straight. So if 53rd Street is an
 13 east/west street, do you know if you walked
 14 north or south?
 15 A. I don't remember. The whole time I was
 16 watching the people in the car and the car. I
 17 just jumped out of the car. I can't recall
 18 exactly where our car was positioned.
 19 Q. So if you were watching the people in
 20 the car, does that mean that you were able to
 21 look out your passenger side window and you
 22 could see the people and the car when you looked
 23 to your right outside your passenger side
 24 window?

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1 A. When I first seen the people, I was
 2 looking at them through the --
 3 Q. Through the front?
 4 A. -- through the front windshield,
 5 correct, because we were still in motion.
 6 Q. Okay. Was there a point when you were
 7 able to look to the right and see the people?
 8 A. No, but --
 9 Q. You were always looking -- I'm sorry, I
 10 didn't mean to interrupt.
 11 A. No. They were -- like I said, I was
 12 watching them when they exited the vehicle. At
 13 the time, we were still in motion and I was
 14 watching them through the windshield.
 15 Q. Were you always watching the people
 16 through the windshield or did you ever look to
 17 your right and see the people through the -- to
 18 the right window there?
 19 A. I don't recall. I don't.
 20 Q. You said you were observing the people
 21 in the car, though, right?
 22 A. Yes.
 23 Q. So what did you see -- once your
 24 vehicle was stopped, what did you see the people

44

1 in the car do?
 2 A. What did I see the people in the car
 3 do? They exited the vehicle. You're talking
 4 about the driver and the --
 5 Q. Well, I'm actually speaking about -- so
 6 you saw the driver and the passenger exit the
 7 vehicle?
 8 A. Correct.
 9 Q. How many other people -- were there any
 10 other people in the car?
 11 A. Yes.
 12 Q. How many other people were in the car?
 13 A. Two.
 14 Q. And can you describe these individuals
 15 that were in the car?
 16 A. One was a female in the front seat,
 17 passenger front.
 18 Q. Okay.
 19 A. And then Mr. Boyle had exited the
 20 vehicle as we stopped and got out of the car.
 21 Q. So right as you stopped, right as you
 22 stopped your vehicle, was that when Mr. Boyle
 23 got out of his car?
 24 A. He was already getting out of his car.

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1 Everybody was exiting the car. Two people
 2 exited, they walked, Boyle exited a couple
 3 seconds later after those other two.
 4 Q. And when Boyle exited, you had not
 5 stopped your car yet, though?
 6 A. No.
 7 Q. Where did Mr. Boyle go?
 8 A. To the front of the car and opened the
 9 hood.
 10 Q. Were you stopped when you saw Mr. Boyle
 11 go to the front of the car?
 12 A. Yes, we stopped.
 13 Q. Okay. When you were stopped -- right
 14 at the point where you were stopped, where was
 15 Mr. Boyle?
 16 A. At the front of the car.
 17 Q. And so you were -- were you still in
 18 the car when he opened up the hood?
 19 A. Yes. I was exiting the vehicle at the
 20 time he was opening up the hood.
 21 Q. Did Mr. Boyle walk or run when he
 22 walked -- went to the hood of the car?
 23 A. Walked.
 24 Q. And when did you actually get out of

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1 your car? When you saw -- what did you do after
 2 you got out of your car?
 3 A. I approached Mr. Boyle.
 4 Q. What did Officer Moore do at that
 5 point?
 6 A. He exited the vehicle. We both
 7 approached Boyle.
 8 Q. As you approached Mr. Boyle, what was
 9 he doing at that point?
 10 A. He was looking under the hood.
 11 Q. Was his back to you as you approached
 12 him?
 13 A. Yes.
 14 Q. And was he bent over, like, inside the
 15 hood there?
 16 A. Yes.
 17 Q. How far away were you from Mr. Boyle
 18 when you -- at that point?
 19 MR. PUISZIS: At what point? Objection.
 20 BY MR. KSIAZEK:
 21 Q. Okay. When -- did you have a
 22 conversation with Mr. Boyle?
 23 A. I asked him a question.
 24 Q. Okay. How far away from Mr. Boyle were

47

1 you when you asked him this question?
 2 A. Maybe a foot.
 3 Q. Were you directly behind him when
 4 you -- about a foot behind him at that point?
 5 A. Yes, I was right behind him.
 6 Q. What did you ask Mr. Boyle?
 7 A. I said, whose car is this?
 8 Q. And what did he say?
 9 A. Why?
 10 Q. What did you say in response?
 11 A. I said, do you have any identification
 12 on you?
 13 Q. And what was his response to your
 14 question?
 15 A. He didn't respond.
 16 Q. Was -- when you were having this
 17 conversation with Mr. Boyle, was he continuing
 18 to be -- was he still underneath the hood?
 19 A. No. He turned around and faced us.
 20 Q. And when did he turn around to face
 21 you?
 22 A. When I asked him the question.
 23 Q. Why did you ask him whose car it was?
 24 A. Because I wanted to know whose car it

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12 (Pages 45 to 48)

1 was.
 2 Q. And why did you ask him for ID?
 3 A. Why?
 4 Q. Yes.
 5 A. Because normally everyone we stop on
 6 the street, we usually try to get a piece of
 7 identification for the person so you know who
 8 you're talking to.
 9 Q. Did you identify yourself as an
 10 officer?
 11 A. Did I identify myself?
 12 Q. As an officer, yes.
 13 A. No. I had a uniform on.
 14 Q. You didn't say I'm Officer Torres,
 15 though?
 16 A. No.
 17 Q. You said he didn't respond after you
 18 asked him for ID, right?
 19 A. Correct.
 20 Q. So what happened after you asked him
 21 for identification?
 22 A. Officer Moore then asked him to step
 23 over by our car.
 24 Q. Did Officer Moore at any point identify

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1 after that?
 2 A. Well, in the process of asking, he
 3 said, sir, could you step over by the car and he
 4 went to guide his arm towards our car and that's
 5 when Mr. Boyle became aggressive and he pulled
 6 away and pushed Officer Moore's arm away.
 7 Q. Did Mr. Boyle say anything in response
 8 to Officer Moore's question to step over by the
 9 car – or direction to step over by the car?
 10 A. Did he say anything?
 11 Q. Yeah, did Mr. Boyle say anything in
 12 response?
 13 A. No.
 14 Q. And you said that Officer Moore guided
 15 Mr. Boyle's arm over to the car. Can you
 16 describe how he did this?
 17 A. Describe it? He, with his hand, like,
 18 pushing away towards the car to guide him
 19 towards the car.
 20 Q. Did he grab his arm?
 21 A. No.
 22 Q. Did he touch officer – I'm sorry, did
 23 he touch Mr. Boyle?
 24 A. His arm.

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1 himself as an officer?
 2 A. No.
 3 Q. And you said you noticed that there was
 4 a female passenger inside the car?
 5 A. Correct.
 6 Q. Did you hear – did you have a
 7 conversation with her – or, actually, did you
 8 hear her say anything while you were having this
 9 conversation with Mr. Boyle?
 10 A. No.
 11 Q. Do you recall if the windows on the car
 12 were open or closed?
 13 A. Closed.
 14 Q. Were all the windows closed, all four?
 15 A. As far as I could see, yes.
 16 Q. And were there any cars parked ahead or
 17 in front of where this Chrysler was parked?
 18 A. No.
 19 Q. So this Chrysler was the only car
 20 parked on that side of the street as far as you
 21 could tell?
 22 A. Yes.
 23 Q. Okay. Now, once Officer Moore asked
 24 Mr. Boyle to step over by the car, what happened

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1 Q. Which part of his arm?
 2 A. It's, like, by his elbow.
 3 Q. So he sort of touched his elbow to sort
 4 of guide him over to the car, is that what your
 5 testimony is?
 6 A. Yes.
 7 Q. Did he push him over to the car?
 8 A. No.
 9 Q. Did he sort of – how far – let me go
 10 back.
 11 How far did Officer Moore guide
 12 Mr. Boyle before he became aggressive?
 13 MS. GIBBONS: Objection, vague.
 14 MR. PUISZIS: You can go ahead and answer it.
 15 I mean, did he take a step or something?
 16 MR. KSIAZEK: Sure.
 17 MR. PUISZIS: Did he take two or three steps
 18 or take any steps?
 19 THE WITNESS: He didn't take no steps. He
 20 just –
 21 BY MR. KSIAZEK:
 22 Q. So Officer Moore attempted to push –
 23 to place his hand on Mr. Boyle's elbow?
 24 A. Yes.

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13 (Pages 49 to 52)

1 Q. And Mr. Boyle didn't move at all?
 2 A. No. When Officer Moore guided him over
 3 to the car, that's when he pushed away from
 4 Officer Moore.
 5 Q. Well, how did Officer Moore get him
 6 over to the car?
 7 A. We didn't.
 8 Q. Well, you just said that when --
 9 A. He was guiding him to the car to say
 10 let's go this way to the car -- by our squad
 11 car.
 12 Q. Okay. So --
 13 A. Because he was in front of his car.
 14 Q. Sure.
 15 A. So we wanted to bring him over by our
 16 car.
 17 Q. So did Mr. Boyle walk over to your car
 18 by his own volition?
 19 A. No. He never walked to our car.
 20 Q. So he never was by your car?
 21 A. No.
 22 Q. Okay. So where -- where in relation to
 23 your car and the Chrysler that was there did
 24 Mr. Boyle start becoming aggressive?

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1 A. In front of his car.
 2 Q. Did he become aggressive immediately
 3 after Officer Moore attempted to guide his arm
 4 or had some time passed in between?
 5 A. What do you mean by "time passed"?
 6 Q. Was there a few seconds when
 7 Officer Moore attempted to guide him by his
 8 elbow and then he became aggressive or did he
 9 immediately become aggressive as soon as
 10 Officer Moore touched his elbow?
 11 A. Maybe a couple seconds, just like --
 12 Q. What do you mean by Mr. Boyle became
 13 aggressive?
 14 A. He pushed Officer Moore's arm away.
 15 Q. And how did he -- how did he push his
 16 arm away?
 17 A. In a swinging motion, pushed it away.
 18 Q. What happened after Mr. Boyle pushed
 19 Officer Moore's arm away?
 20 A. I then grabbed Boyle's arm and told him
 21 to relax.
 22 Q. Which arm did you grab of Mr. Boyle's?
 23 A. His right arm.
 24 Q. Was that the same arm that

54

1 Officer Moore was attempting to guide?
 2 A. No.
 3 Q. So Officer Moore's attempting to guide
 4 his left arm?
 5 A. Correct.
 6 Q. And you grabbed his right arm?
 7 A. Correct.
 8 Q. And where were you located in
 9 relation -- so were you on Mr. Boyle's right
 10 side at that point?
 11 A. Directly behind him.
 12 Q. You were directly behind him. And
 13 where was Officer Moore located?
 14 A. In front of him.
 15 Q. So what happened after you grabbed his
 16 arm and told him to relax?
 17 A. Then he became very aggressive and just
 18 started basically wrestling with us.
 19 Q. Did Mr. Boyle say anything to you after
 20 you told him to relax?
 21 A. No.
 22 Q. Okay. Describe how Mr. Boyle started
 23 to wrestle with you.
 24 A. As I grabbed his arm, he pulled away

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1 from me, and then Officer Moore grabbed his
 2 other arm and he kept pulling away from us and
 3 then we repeatedly told him stop resisting, stop
 4 resisting. And then he -- as we were wrestling
 5 with him, he grabbed me in a bear hug and he
 6 grabbed me and he started running with me into
 7 my squad car.
 8 Q. Okay. Were you putting him under
 9 arrest at this point?
 10 A. No. We were just going to do a contact
 11 card on him. Any time we stop an individual,
 12 you got to do a contact card.
 13 Q. So why didn't you tell him to stop
 14 resisting?
 15 A. Because at the time, we were trying to
 16 detain him so we could -- further questions.
 17 Q. Why were you trying to detain him for
 18 further questions?
 19 A. Because he wasn't cooperating.
 20 Q. At that point, you just had asked him
 21 for his ID, though, right?
 22 A. Correct, but then when we pushed away
 23 from Officer Moore, he committed battery to an
 24 officer.

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1 Q. But Officer Moore had touched him
2 first, right?
3 A. Touched his arm, correct.
4 Q. So by wrestling, is it my understanding
5 that you basically mean that he was trying to
6 pull away from both yourself and Officer Moore?
7 A. He did both that, plus grabbed me in a
8 bear hug.
9 Q. How did he grab you in a bear hug? Can
10 you describe that?
11 A. Wrapped his arms around me and lifted
12 me up?
13 Q. Did his arms go all the way around you?
14 A. Yes.
15 Q. And did they interlock?
16 A. I don't know if they interlocked.
17 Q. So he was behind you when he bear
18 hugged you?
19 A. He was behind me?
20 Q. Where was he located to you when he
21 bear hugged you?
22 A. After I grabbed his arm, he pulled
23 away, he then turned towards me.
24 Q. So he was facing you when he --

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1 A. No.
2 Q. Go ahead.
3 A. I was directly behind him, and then
4 when he pushed Moore away, I grabbed his right
5 arm. He then turned at me, so he turned his
6 body around at me.
7 Q. So he was facing you when he turned
8 around towards you, right?
9 A. When are you talking about?
10 Q. Right before he bear hugged you.
11 A. Correct.
12 Q. He turned and faced you, right?
13 A. Correct.
14 Q. So he was facing you, you could see his
15 eyes, --
16 A. Correct.
17 Q. -- when he gave you a bear hug?
18 A. Correct.
19 Q. And so he wrapped his arms around
20 you -- around your back?
21 A. Correct.
22 Q. Did he say anything as he was bear
23 hugging you?
24 A. No.

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1 Q. You said he slammed you into the car?
2 A. Correct.
3 Q. What car did he slam you into?
4 A. My patrol car.
5 Q. Well, how did you get -- how did he
6 slam you into your patrol car if you were --
7 when you approached him, you were right next to
8 his car -- not his car, the Chrysler?
9 A. Everything happened so fast. We were
10 twisting and turning. All I know is at the time
11 he grabbed me and he started running -- pushing
12 me, lifted me and I was going backwards, so I
13 don't know how -- which way -- how we spun
14 around, but he wound up pushing me into my
15 patrol car.
16 Q. Do you know what direction that -- you
17 said he pulled you up and lifted you?
18 A. Correct.
19 Q. So do you know what direction he
20 actually --
21 A. No. I was --
22 Q. How hard did he slam you against the
23 patrol car?
24 A. Hard enough to knock the wind out of

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1 me.
2 Q. So what happened after he picked you up
3 and slammed you on the patrol car?
4 A. Officer Moore began trying to get him
5 off me and then I got on the radio and called
6 for assistance.
7 Q. So you actually called for assistance
8 to dispatch?
9 A. Correct.
10 Q. Did -- while -- after Mr. Boyle picked
11 you up and slammed you against the patrol car --
12 MR. PUISZIS: I don't think he said
13 "against", but subject to the objection.
14 MR. KSIAZEK: Sure.
15 BY MR. KSIAZEK:
16 Q. After, let's just say, Mr. Boyle bear
17 hugged you, did he say anything to you at that
18 point?
19 A. No.
20 Q. And did you say anything to him?
21 A. No.
22 Q. Did Officer Moore say anything?
23 A. I don't recall.
24 Q. Did you hear the woman who was located

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15 (Pages 57 to 60)

<p>1 in the vehicle say anything at this point?</p> <p>2 A. I don't know. Everything happened so</p> <p>3 fast.</p> <p>4 Q. So what happened after you radio to</p> <p>5 dispatch for help?</p> <p>6 A. He then turned around and started</p> <p>7 wrestling with Officer Moore again, and I was</p> <p>8 trying to grab his legs so we could get him down</p> <p>9 on the ground. And then next thing I know, the</p> <p>10 other squads pulled up.</p> <p>11 Q. Okay. Let's go through that a little</p> <p>12 bit closer. So you -- he was wrestling with</p> <p>13 Officer Moore?</p> <p>14 A. Correct.</p> <p>15 Q. Can you describe how he was wrestling</p> <p>16 with Officer Moore?</p> <p>17 A. He had his back towards me, so they</p> <p>18 were -- I could just see them two. They were</p> <p>19 face to face. And then I proceeded to go after</p> <p>20 Boyle again from behind because now he had his</p> <p>21 back towards me because he was face to face with</p> <p>22 Officer Moore.</p> <p>23 Q. So were they actually touching each</p> <p>24 other?</p> <p style="text-align: right;">61</p>	<p>1 touching Moore.</p> <p>2 Q. Okay. And where were Officer Moore's</p> <p>3 hands and arms coming into contact with</p> <p>4 Mr. Boyle?</p> <p>5 A. On his hands and arms, too.</p> <p>6 Q. So were they kind of sort of -- so were</p> <p>7 both of their hands on their shoulders or where</p> <p>8 were they -- do you know where they were</p> <p>9 located?</p> <p>10 A. No.</p> <p>11 Q. But at some point, you tried to get his</p> <p>12 legs, Mr. Boyle's legs?</p> <p>13 A. Correct.</p> <p>14 Q. When did you attempt to get Mr. Boyle's</p> <p>15 legs together?</p> <p>16 A. After he threw me against the car, then</p> <p>17 he proceeded to go, you know, after Moore and</p> <p>18 then that's when he had -- Boyle had his back to</p> <p>19 me and I -- from behind, I radioed in for</p> <p>20 assistance and then I went and I tried to grab</p> <p>21 his legs so we could get him down on the ground.</p> <p>22 Q. All right. You said you had the wind</p> <p>23 knocked out of you.</p> <p>24 A. Correct. This was a couple seconds,</p> <p style="text-align: right;">63</p>
<p>1 A. They were being physical, correct.</p> <p>2 Q. What do you mean by "being physical"?</p> <p>3 A. Well, they were wrestling. I couldn't</p> <p>4 see exactly what was going on because he had his</p> <p>5 back to me.</p> <p>6 Q. Who's -- was that Officer Moore's or</p> <p>7 Boyle's back?</p> <p>8 A. Boyle.</p> <p>9 Q. What did you see Officer Moore doing?</p> <p>10 A. Trying to detain him. They were both</p> <p>11 wrestling back and forth.</p> <p>12 Q. I guess I don't quite understand what</p> <p>13 you mean by "wrestling". Were they sort of</p> <p>14 grabbing each other? Were their hands touching?</p> <p>15 What do you mean?</p> <p>16 A. Making contact with each other.</p> <p>17 Q. What parts of their bodies were making</p> <p>18 contact with each other?</p> <p>19 A. Their hands and arms.</p> <p>20 Q. Where was Mr. Boyle's hands and arms</p> <p>21 coming in contact with Officer Moore?</p> <p>22 A. Exactly, I don't know. They were --</p> <p>23 all I could see is Boyle's hands from the rear.</p> <p>24 I couldn't tell you exactly where he was</p> <p style="text-align: right;">62</p>	<p>1 though, in between here.</p> <p>2 Q. So how long did you have the wind</p> <p>3 knocked out of you for?</p> <p>4 A. Seconds.</p> <p>5 Q. So for a couple seconds, you had the</p> <p>6 wind knocked out of you, you got up, you radioed</p> <p>7 for help?</p> <p>8 A. Correct.</p> <p>9 Q. And then you tried to get Mr. Boyle's</p> <p>10 legs together?</p> <p>11 A. Correct.</p> <p>12 Q. What happened when you tried to get his</p> <p>13 legs together?</p> <p>14 A. And then the other assisting officers</p> <p>15 came and then I just -- I kind of -- they took</p> <p>16 over then, the assisting officers.</p> <p>17 Q. So where -- what exactly was happening</p> <p>18 when the assisting officers came? Had you tried</p> <p>19 to get Mr. Boyle's legs together at that point</p> <p>20 or no?</p> <p>21 A. I tried, and then when the other units</p> <p>22 came, I let him go because I was out of wind,</p> <p>23 and, like I said, they took over from there.</p> <p>24 Q. Okay. So they arrived after you tried</p> <p style="text-align: right;">64</p>

1 to get his legs together?

2 A. Correct.

3 Q. Was it immediately after or did some
4 time pass in between?

5 A. As soon as I grabbed his legs, they
6 pulled up, they grabbed him, so I would say
7 immediately then I guess.

8 Q. At any point was Mr. Boyle on the
9 ground during -- from when you first approached
10 him by the hood and when you tried to get his
11 legs together?

12 A. No.

13 Q. Okay. What happened when the other
14 officers arrived after you had tried to get his
15 legs together?

16 A. I basically -- I stayed right where I
17 was at. I was out of wind. And the other
18 officers, the assisting officers, took care of
19 the situation. From thereon, I didn't -- I was
20 winded. I just kind of leaned over and was
21 gasping.

22 Q. What do you mean -- or what did you see
23 the other officers do once they arrived at the
24 scene?

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1 A. They tried to place him in custody and
2 he was still wrestling with them.

3 Q. Do you recall who exactly -- or how
4 many squad cars arrived at the scene?

5 A. Several.

6 Q. Do you know any of the officers that
7 did arrive that night?

8 A. Yes.

9 Q. Who do you know that arrived that
10 night?

11 A. Officer Galarza, Officer Gillespie,
12 Officer Mike Kwiatkowski.

13 Q. Kwiatkowski?

14 A. Kwiatkowski. A bunch of us and other
15 units, but those are the main officers that
16 actually finally got him down and handcuffed
17 him.

18 Q. Were those -- those three officers that
19 you stated, Galarza, Gillespie and Kwiatkowski,
20 were those -- did those three officers arrive,
21 as you stated, right after you tried to get his
22 legs together? Were those officers all there?

23 A. I don't know what order they arrived,
24 but all I know is they were all there.

66

1 Q. Okay. And then you did say that

2 Mr. Boyle was still wrestling with these other
3 officers once they arrived. Can you describe
4 how he was wrestling with them?

5 A. They were trying to get him down on the
6 ground and handcuff him and he was fighting with
7 them.

8 Q. How were they trying to get him to get
9 down on the ground?

10 A. I was at the time -- like I said, I was
11 leaning over, so I don't -- I can't recall
12 exactly what they were doing -- how they were
13 doing it because I was then leaning over because
14 I was -- I was gasping for air. I was
15 short-winded.

16 Q. Well, where were you leaning over?

17 A. Just leaning over.

18 Q. Against your car?

19 A. No.

20 Q. Just on the side of the road there?

21 A. On the street.

22 Q. How long were you leaning over for?

23 A. Seconds.

24 Q. So you did see them wrestle with

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1 Mr. Boyle, right?

2 A. Yes.

3 Q. And you saw them attempt -- the other
4 officers attempt to place him under arrest?

5 A. Correct.

6 Q. And what did you see?

7 A. They were just -- they were telling him
8 stop resisting, to put his hands behind his back
9 and he wouldn't do that. They were trying to
10 grab his arms and place handcuffs on him.

11 Q. Did he say anything in response to --
12 well, first of all, do you know who told him to
13 stop resisting?

14 A. I heard several officers saying that.

15 Q. Specifically do you know which ones
16 said that?

17 A. No, I couldn't tell you.

18 Q. And did Mr. Boyle say anything in
19 response when they told him to stop resisting?

20 A. No.

21 Q. Okay. Was Mr. Boyle still standing
22 when -- or was he standing when they told him to
23 stop resisting?

24 A. At that time, they had just gotten down

68

17 (Pages 65 to 68)

<p>1 on the ground.</p> <p>2 Q. Okay. How did they get him down on the</p> <p>3 ground?</p> <p>4 A. I don't know.</p> <p>5 Q. And how was Mr. Boyle on the ground?</p> <p>6 Was he laying down? Was he face first? What</p> <p>7 position was his body in?</p> <p>8 A. When I seen him on the ground, he was</p> <p>9 facedown on the ground.</p> <p>10 Q. Was he doing anything while he was</p> <p>11 facedown on the ground?</p> <p>12 A. Yeah, he was stretching his arms and</p> <p>13 legs out and swinging.</p> <p>14 Q. He was actually swinging while he was</p> <p>15 down on the ground?</p> <p>16 A. Because they were trying to get his</p> <p>17 hands behind his back and he wouldn't let them.</p> <p>18 Q. Okay. Did you see how Mr. Boyle was</p> <p>19 brought down to the ground?</p> <p>20 A. No.</p> <p>21 Q. Okay. What happened after the other</p> <p>22 officers were attempting to place him under</p> <p>23 arrest? Did they get him under arrest? Did</p> <p>24 they get him in cuffs?</p> <p style="text-align: right;">69</p>	<p>1 doing when they were trying to get the handcuffs</p> <p>2 on him?</p> <p>3 A. No, I don't remember. I don't know</p> <p>4 what he was doing.</p> <p>5 Q. Did you see him in that area?</p> <p>6 A. I don't recall.</p> <p>7 Q. Once they did have him in the</p> <p>8 handcuffs, what did you see the other officers</p> <p>9 do?</p> <p>10 A. After they handcuffed him?</p> <p>11 Q. Right.</p> <p>12 A. They placed him in the squad car,</p> <p>13 transported him to the 21st District.</p> <p>14 Q. Okay. Did they have to pull him up or</p> <p>15 did he stand up voluntarily?</p> <p>16 A. I don't recall. I don't know.</p> <p>17 Q. And where on the street was Mr. Boyle</p> <p>18 actually on the ground in relation to his car --</p> <p>19 or not his car, excuse me, the Chrysler?</p> <p>20 A. I can't recall exactly where he was,</p> <p>21 because he was just on the street. Everything</p> <p>22 happened so fast.</p> <p>23 Q. Do you know in relation to your squad</p> <p>24 car where Mr. Boyle was?</p> <p style="text-align: right;">71</p>
<p>1 A. Yes. Correct.</p> <p>2 Q. Did you see them place him in</p> <p>3 handcuffs?</p> <p>4 A. No.</p> <p>5 Q. Why didn't you see them place him in</p> <p>6 handcuffs?</p> <p>7 A. Because there were several officers</p> <p>8 there, and I don't know who placed him in</p> <p>9 handcuffs, but I was standing right there. I</p> <p>10 just couldn't tell you who exactly placed -- are</p> <p>11 you asking me who put the handcuffs on?</p> <p>12 Q. I'm just asking you if you actually did</p> <p>13 see them, whoever it was, place handcuffs on</p> <p>14 him?</p> <p>15 A. I didn't see exactly, no. I seen them</p> <p>16 trying to put the handcuffs, but I didn't know</p> <p>17 who put the handcuffs on.</p> <p>18 Q. So what did they do -- well, how many</p> <p>19 officers were trying to get the handcuffs on</p> <p>20 him?</p> <p>21 A. Three that I can recall, but there were</p> <p>22 so many officers around, but I don't remember.</p> <p>23 Three at the time.</p> <p>24 Q. Do you know what Officer Moore was</p> <p style="text-align: right;">70</p>	<p>1 A. I can't recall.</p> <p>2 Q. Was it in between -- in the distance in</p> <p>3 between your car and the Chrysler that was on</p> <p>4 the street there?</p> <p>5 A. I don't recall. There were so many</p> <p>6 people.</p> <p>7 Q. Do you know if it was on the sidewalk?</p> <p>8 A. It was definitely on the street.</p> <p>9 Q. It was on the street.</p> <p>10 Now, at some point, did Chicago Police</p> <p>11 officers arrive?</p> <p>12 A. Correct.</p> <p>13 Q. And when did they arrive?</p> <p>14 A. I couldn't tell you exactly when, but</p> <p>15 they arrived.</p> <p>16 Q. Do you recall having any conversations</p> <p>17 with them?</p> <p>18 A. The Chicago Police?</p> <p>19 Q. Yes.</p> <p>20 A. At what time?</p> <p>21 Q. Well, you said you don't remember when</p> <p>22 they arrived, but at some point they did arrive?</p> <p>23 A. Correct.</p> <p>24 Q. And they came to the scene of the</p> <p style="text-align: right;">72</p>

1 incident here, right?
 2 A. Correct.
 3 Q. Was this before or after Mr. Boyle was
 4 placed in handcuffs?
 5 A. I don't recall. I would imagine when
 6 they were trying to place him in handcuffs.
 7 Q. So you think they arrived when he was
 8 trying to be -- when he was being put in
 9 handcuffs?
 10 A. Correct.
 11 MR. PUISZIS: When do you first recall seeing
 12 officers from Chicago there?
 13 THE WITNESS: Well, there was officers from
 14 what they call a 10-1. There were officers from
 15 all over. They just came so quick.
 16 MR. PUISZIS: But when do you recall Chicago
 17 officers as opposed to the University of Chicago
 18 officers?
 19 THE WITNESS: When -- after I leaned up and I
 20 was gasping for air, I was leaning over, when I
 21 leaned up, I seen Chicago and ourselves.
 22 MR. PUISZIS: And this was before or after he
 23 was put in cuffs?
 24 THE WITNESS: Before.

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1 Q. Yes.
 2 A. No.
 3 Q. Did you -- I'm sorry, go ahead.
 4 A. I mean, when exactly are you talking
 5 about? Because what happened was once they
 6 placed him in custody, you know, I did an
 7 initial report. I just told them I'd meet them
 8 at the 21st District, the transporting car.
 9 Q. So that's all you said -- was that all
 10 you said to the Chicago Police officers, I'll
 11 meet you at the 21st District?
 12 A. Correct.
 13 Q. Did you tell them any details about
 14 what happened?
 15 A. They asked what happened --
 16 Officer Darling asked me what had happened, and
 17 I told him that we were trying to get some
 18 information from him and he resisted from us.
 19 Q. So officer -- did Officer Darling
 20 approach you and ask you what happened?
 21 A. No. He was -- they were standing by
 22 their car.
 23 Q. Okay. So how did this conversation
 24 start?

75

1 BY MR. KSIAZEK:
 2 Q. What were the Chicago Police officers
 3 doing when you saw them?
 4 A. What were they doing?
 5 Q. Yeah.
 6 A. You know what, I don't recall because
 7 everything -- like I said, I was bent down and I
 8 put my head up and they were already on the
 9 ground.
 10 Q. The Chicago Police officers were on the
 11 ground?
 12 A. No. No. The Officers Galarza,
 13 Kwiatkowski and Gillespie.
 14 Q. Okay. Where were the Chicago Police
 15 officers when you first saw them?
 16 A. They were standing around.
 17 Q. How far away from you were they?
 18 A. There were several of them. How far?
 19 I mean, a matter of feet away from me.
 20 Q. Okay. After you had caught your breath
 21 or, you know, were done leaning over, did you
 22 have a conversation with the Chicago Police
 23 officers at the scene?
 24 A. Did I?

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1 A. I walked over to them. I'm trying to
 2 get all my thoughts together.
 3 Q. Sure. So after you caught your
 4 breath -- was this before or after you caught
 5 your breath?
 6 A. After.
 7 Q. Okay. So after you caught your breath,
 8 you walked over to Officer Darling?
 9 A. After they placed him in custody and
 10 they put him -- and then I walked over there,
 11 yeah.
 12 Q. So they placed him in custody. Was he
 13 in the squad car at that point?
 14 A. No.
 15 Q. So he was standing -- Mr. Boyle was
 16 standing outside the squad car?
 17 A. Correct.
 18 Q. And while Mr. Boyle was standing
 19 outside the squad car, you walked over to
 20 Officer Darling?
 21 A. Correct.
 22 Q. And you told Officer Darling what
 23 happened?
 24 A. Correct.

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19 (Pages 73 to 76)

1 Q. Okay. Do you remember specifically
2 what you said to him besides what you had
3 already stated?
4 A. No, not specifically.
5 Q. Did he say anything in response to you?
6 A. I don't recall.
7 Q. And then at that point, did you tell
8 him that you would meet them at the
9 21st District?
10 A. Excuse me?
11 Q. When did you tell the Chicago Police
12 officers that you'd meet them at the
13 21st District?
14 A. When they placed him inside the
15 vehicle.
16 Q. Okay. Did they place him inside the
17 vehicle while you were having this conversation
18 with Officer Darling?
19 A. Correct.
20 Q. And what did you do after they placed
21 Mr. Boyle inside the vehicle?
22 A. What did I do? I went to the
23 21st District.
24 Q. Did you -- before you went to the

77

1 21st District, did you interview any of the
2 witnesses at the scene?
3 A. Other officers from the University of
4 Chicago were asking people questions of what
5 happened and getting stuff. Myself, I walked
6 back to the car.
7 Q. Do you remember which officers were
8 getting information from the witnesses?
9 A. The same officers that were involved in
10 detaining him.
11 Q. So Galarza, Gillespie and Kwiatkowski?
12 A. Correct.
13 Q. What did Officer Moore do if you can
14 recall?
15 A. I can't recall.
16 Q. But did he travel with you to the
17 21st District?
18 A. Yes.
19 Q. Do you recall if he was asking any
20 questions of the witnesses at the scene?
21 A. I don't recall.
22 Q. You didn't -- during your whole
23 interaction with Mr. Boyle, did you ever ask him
24 for his registration of the vehicle?

78

1 A. No.
2 Q. And at any point during this
3 altercation, did Mr. Boyle strike you besides
4 what you testified about with the bear hug?
5 A. Did he strike me?
6 Q. Yes.
7 A. No.
8 Q. Did -- do you recall Mr. Boyle saying
9 anything when he was being placed in the squad
10 car?
11 A. No.
12 Q. Do you recall any other conversations
13 or anything that Mr. Boyle might have said
14 during this whole altercation that we haven't
15 talked about before?
16 A. I don't recall him saying anything at
17 that time.
18 Q. Do you recall any other conversations
19 that you had with Officer Moore during this
20 whole altercation that we haven't talked about
21 previously?
22 A. What do you mean by --
23 Q. From the point when yourself and
24 Officer Moore first heard the horn honking to

79

1 when Mr. Boyle was placed into the squad car, do
2 you recall any conversations between yourself
3 and Officer Moore that you haven't previously
4 testified about?
5 A. No.
6 Q. Do you recall -- did you have any
7 conversations with Officer Gillespie once he
8 arrived at the scene?
9 A. No. Basically after -- no, I didn't.
10 Q. Did you have any conversations with
11 Officer Galarza once he arrived at the scene?
12 A. No.
13 Q. And did you say anything to any of the
14 other officers who arrived at the scene?
15 A. After the scene, I went and sat in the
16 car, and then the other officers were getting
17 all the information and I decided to meet them
18 back at the station.
19 Q. You told them to meet you back at the
20 station?
21 A. I'll meet them back at the station
22 because I was doing the report. At our station,
23 though, not at the --
24 Q. Did they say anything to you in

80

20 (Pages 77 to 80)

1 response?
 2 A. Not that I could recall, no.
 3 Q. Do you recall them telling you anything
 4 that they might have learned after talking to
 5 the witnesses at the scene?
 6 A. I don't remember.
 7 Q. Okay. So how long did this whole
 8 altercation take place from when you first heard
 9 the horn honking when you were inside the
 10 Dunkin' Donuts to when you -- Mr. Boyle was
 11 sitting in the car in handcuffs?
 12 A. I don't know. It happened real quick.
 13 Approximate time I couldn't tell you. It's
 14 just -- I couldn't tell you exact time. I don't
 15 know how long.
 16 Q. Do you know if it was longer than
 17 ten minutes?
 18 A. I don't know.
 19 Q. Was it longer than a half an hour?
 20 MR. PUISZIS: He just said he didn't know, so
 21 I object to badgering the witness.
 22 BY MR. KSIAZEK:
 23 Q. How long of a drive is it from where
 24 you're located on 53rd Street to the

81

1 21st District, if you know?
 2 A. A few minutes.
 3 Q. And so yourself and Officer Moore --
 4 A. Correct.
 5 Q. -- both traveled to the 21st District?
 6 A. Correct.
 7 Q. How long were you sitting in the car --
 8 you said you went and sat in the car while the
 9 other officers were talking to the witnesses.
 10 How long were you sitting in the car before you
 11 went to go to the 21st District?
 12 A. I couldn't recall exact time. I don't
 13 know how long.
 14 Q. Do you recall what witnesses these
 15 other officers were speaking to?
 16 A. The other people that were in the
 17 vehicle.
 18 Q. Did you say anything to Officer Moore
 19 or did Officer Moore say anything to you while
 20 you were driving to the 21st District?
 21 A. I don't recall. I might have. I don't
 22 recall exactly what I said.
 23 Q. Now, were you injured besides losing --
 24 getting the wind knocked out of you, were you

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1 injured as a result of this altercation?
 2 A. No.
 3 Q. Do you know if Officer Moore was
 4 injured?
 5 A. Yes. He mentioned his wrist was
 6 hurting.
 7 Q. Did he say anything about how his wrist
 8 was injured?
 9 A. From the altercation.
 10 Q. When did you have this conversation
 11 about Officer Moore being injured?
 12 A. He stated that to me in the car when we
 13 were going to the 21st District.
 14 Q. Do you recall exactly what he said?
 15 A. No, I don't.
 16 Q. Did you see Officer Moore's wrist?
 17 A. Did I look at it?
 18 Q. Did you look at it?
 19 A. Yeah.
 20 Q. What did you see?
 21 A. It just looked like it was puffy, like
 22 a little swollen.
 23 Q. What happened once you arrived at the
 24 21st District station?

83

1 A. What exactly do you mean?
 2 Q. What, if anything, happened? Did you
 3 talk with Mr. Boyle once you got there?
 4 A. No.
 5 Q. What did you do once you walked into
 6 the 21st station?
 7 A. Basically Officer Moore took over
 8 the -- was talking with the officers -- the
 9 Chicago Police officers -- and getting all their
 10 stuff ready for the report, file the report.
 11 Q. Was what did you hear Officer Moore say
 12 to the CPD officers when they were getting ready
 13 to do their report?
 14 A. He was just telling them exactly what
 15 happened.
 16 Q. Do you recall what specifically he said
 17 and what the officer said -- the Chicago Police
 18 officer said in response?
 19 A. No.
 20 Q. Do you have sort of a general idea of
 21 what he said?
 22 A. They were in one room, I was in the
 23 other room doing the -- started the report, so I
 24 couldn't exactly hear exactly what was going on.

84

1 Q. In what room were officer -- was
2 Officer Moore and these Chicago Police officers
3 in?
4 A. The booking room.
5 Q. And what room were you in?
6 A. There's an adjoining -- there's an
7 adjacent room right next to that. I was right
8 next to it.
9 Q. Was anyone else in the room where you
10 were located?
11 A. No.
12 Q. And was anyone else in the booking room
13 where the Chicago Police officers and
14 Officer Moore was located?
15 A. They had the two officers, Chicago
16 Police officers that were doing the booking, you
17 had Officer Moore in there and then you had
18 Boyle in there.
19 Q. Okay. So you -- well, what did you do
20 once you were in that separate room? You said
21 you started writing the report?
22 A. Yeah, we have our own reports we have
23 to write.
24 Q. Did you have that paperwork handy with

85

1 you or where did you get that paperwork from?
2 A. I keep it with me in my vest.
3 Q. Did you have any conversations with
4 Mr. Boyle when you were in the 21st District?
5 A. No.
6 Q. Did you -- did Mr. Boyle say anything
7 to you while --
8 A. No.
9 Q. Did you have any conversations besides
10 what we've talked about with the Chicago Police
11 officers once you were at the 21st District?
12 A. Could you repeat that.
13 Q. Sure. Did you talk to any of the
14 Chicago Police officers that had arrested
15 Mr. Boyle while you were at the 21st District?
16 A. No. Officer Moore was handling all
17 that.
18 Q. So you had no interaction at all with
19 the Chicago Police officers?
20 A. Not at that time, no. I was sitting in
21 the other room.
22 Q. And how long did you spend at the
23 21st District?
24 A. We were quite a -- exactly, I don't

86

1 know, but we were there a long time.
2 Q. Why were you there a long time?
3 A. Officer Moore was doing the report.
4 There are several different reports that we do,
5 and I was doing some of it and then Moore was
6 doing the other half of it.
7 Q. Okay. So when you're filling out a
8 report, what do you mean by "several different
9 reports"?
10 A. Well, there's a contact card or arrest
11 card, just different things that we need for our
12 reports, and a general report.
13 Q. Are there any other documents or
14 paperwork that you have to fill out in an
15 incident such as this besides the contact card,
16 arrest card and general report?
17 A. No. That's basically it.
18 Q. So you testified that that's basically
19 the reason why you were there for a long time?
20 A. Correct, because we have to wait --
21 because Chicago does everything and we get it
22 from Chicago.
23 Q. Okay. So why do you do that?
24 A. That's the procedure.

87

1 Q. So do you look at the Chicago Police
2 officers' report when you're filling out your
3 own report?
4 A. No.
5 Q. Why does the Chicago Police Department
6 write their report first, though?
7 MS. GIBBONS: Objection, foundation.
8 BY MR. KSIAZEK:
9 Q. You can answer the question.
10 A. What's that?
11 Q. Why does the Chicago Police officers
12 get to write their report or do their paperwork
13 first?
14 A. It's not basically who does first.
15 It's just that we need certain things off of
16 their report.
17 Q. What information do you need?
18 A. We need just officer's name, the badge
19 number and RD number. Some officers don't pull
20 an RD number up right away. Sometimes they wait
21 a little bit. They write up something before
22 they pull an RD up. It's based on -- each
23 officer's got different ways of reporting --
24 writing.

88

22 (Pages 85 to 88)

1 Q. So after you finished writing the
2 report, did you leave the 21st District after
3 that?

4 A. Yes.

5 Q. Were any other Chicago -- I'm sorry,
6 University of Chicago Police officers at the
7 station besides yourself and Officer Moore?

8 A. No.

9 Q. And how many University of Chicago
10 Police officers was Officer Moore talking to to
11 help fill out the report?

12 MR. PUISZIS: You said University of Chicago.
13 BY MR. KSIAZEK:

14 Q. I'm sorry, Chicago Police Department
15 officers.

16 A. Repeat that.

17 Q. How many Chicago Police Department
18 officers was Officer Moore talking to?

19 MR. PUISZIS: Objection. If you know. He
20 said he was in a different room.

21 MR. KSIAZEK: Right.

22 BY MR. KSIAZEK:

23 Q. If you know.

24 A. No, I don't.

89

1 MR. KSIAZEK: Mark this Exhibit 1.
2 (Whereupon, Torres Deposition
3 Exhibit No. 1 was marked for
4 identification.)

5 BY MR. KSIAZEK:

6 Q. Okay. I'm showing you what has been
7 marked for identification purposes as Exhibit 1,
8 and this has been provided by your counsel. Has
9 the Bates stamps 0047, 0048 and 0049 at the
10 bottom of the page. Do you see those stamps,
11 Officer?

12 A. Yes.

13 Q. And so this is a dispatch tape from
14 October 18, 2008. Have you seen this transcript
15 before?

16 A. No.

17 Q. Okay. So on this document, it says a
18 starting time of 2:37 hours, right? Do you see
19 that at the top?

20 A. Yes.

21 Q. Is that approximately when this
22 incident took place from the best of your
23 memory?

24 A. Yes.

90

1 Q. Okay. Now, under the first two
2 sentences here, dispatch, go ahead unit. You
3 stated earlier that you had called dispatch,
4 right?

5 A. When?

6 Q. When you were calling for backup.

7 A. Correct.

8 Q. So if this is dispatch saying go ahead
9 unit, do you recall dispatch telling you to go
10 ahead?

11 A. I don't remember.

12 Q. You don't remember dispatch telling you
13 to go ahead on October 18, 2009 -- or 2008,
14 excuse me.

15 A. No.

16 Q. So it says unit on the next line. Did
17 you tell dispatch, 1424 55th Street, hurry up?
18 Did you make that statement?

19 A. As far as I can recall, yes, if it's
20 there. I don't recall.

21 Q. That sounds like something you might
22 have said?

23 A. Correct.

24 Q. And do you recall dispatch saying back

91

1 to you, any unit on the scene with him? 109.
2 Do you recall that statement being made to you?

3 A. Yes.

4 Q. Okay. And 109, that is -- that was
5 your unit number?

6 A. Correct.

7 Q. So under where it says 109, it says
8 send me a car over here. Did you make that
9 statement to dispatch?

10 A. Yes.

11 Q. Now, you didn't say you wanted a car
12 sent over there, right?

13 A. No. Just whatever it says.

14 Q. And you didn't say there's -- the
15 suspect is being aggressive, right?

16 A. At that time, no.

17 Q. So you didn't say anything about a
18 stolen vehicle at that time?

19 A. No.

20 Q. Okay. Dispatch asked you for the
21 address. He said, I need the address, 109,
22 what's your location, right?

23 A. Correct.

24 Q. And you told him 53rd and Blackstone,

92

1 right?
 2 A. Correct.
 3 Q. And that's where this incident took
 4 place, right?
 5 A. Correct.
 6 Q. Okay. So dispatch said in response,
 7 53rd and Blackstone, we got a 10-1. What does
 8 10-1 mean?
 9 A. Officer needs assistance, help. It's
 10 the code for police.
 11 Q. Is it just general assistance?
 12 A. No. A 10-1 is like, you know, an
 13 officer needs help.
 14 Q. And did you tell him that you needed
 15 help? I mean, you said send me a car over here,
 16 right?
 17 A. Yes. I was -- as I was making these
 18 radio things, I was still in the process with
 19 this guy. So whenever I was yelling -- trying
 20 to grab my radio and yell, that's what I was
 21 doing. It wasn't -- I wasn't just sitting
 22 there. I was still wrestling with the guy while
 23 I'm trying to call.
 24 Q. Okay. So if you look down where it

93

1 says dispatch, 101, what you got over there?
 2 One, zero, one, what do you have? Do you see
 3 that -- where dispatch said that, right? It's
 4 in the middle of the page. And then the next
 5 sentence says unknown, we got one guy on the
 6 ground, we got two officers, right?
 7 A. Yes.
 8 Q. So if you know, do you know if that was
 9 referring to yourself and Officer Moore with
 10 Mr. Boyle on the ground?
 11 A. I have no idea.
 12 Q. Okay. And then where dispatch says,
 13 53 and Blackstone, okay, units, do we have
 14 everything under control at 53 and Blackstone.
 15 And there's an unknown, it says, everybody take
 16 a slow down. Did you say everyone take a slow
 17 down?
 18 A. No.
 19 Q. Do you know who said everyone take a
 20 slow down?
 21 A. No.
 22 Q. Do you recall hearing over dispatch,
 23 though, okay, units, slow it down at 53 and
 24 Blackstone, slow it down?

94

1 A. Yes.
 2 Q. You recall hearing that.
 3 Okay. And then on the second page on
 4 what's Bates stamped 0048, you see where it
 5 says, 101, please run driver's license for me,
 6 driver's license B, boy, 400-1448-7100? You see
 7 where it says that?
 8 A. Yes.
 9 Q. Do you know how they got that driver's
 10 license?
 11 A. No, I don't.
 12 Q. Okay. Who -- do you know who's driving
 13 Car 101?
 14 A. No, I don't.
 15 Q. But you had never gotten Mr. Boyle's
 16 driver's license, right?
 17 A. No.
 18 Q. And when dispatch -- a few lines down
 19 dispatch said, you should be talking to a
 20 Charles Boyle, 6733 South Chappell, he's clear,
 21 squad. Did you hear that from dispatch?
 22 A. No.
 23 Q. You didn't hear that?
 24 A. I don't recall that.

95

1 Q. Okay. Up -- prior to that point, even
 2 if you didn't hear that, did you know that the
 3 person that you approached was Mr. -- or when
 4 did you learn Mr. Boyle's name?
 5 A. I recall at the station, 21st District.
 6 Q. So you didn't know his name before you
 7 got to the 21st District?
 8 A. No.
 9 Q. And where it says 105, 105, dash, while
 10 we're at it, can you run a plate that this guy
 11 was in. Dispatch asks, what was it.
 12 105 states, Illinois, X-ray 398206, correct?
 13 A. Correct.
 14 Q. You never called dispatch and asked
 15 them to run the plates, right?
 16 A. Correct.
 17 Q. And even when you thought it was a
 18 stolen vehicle when you first heard the horn
 19 honking, you never radioed dispatch and asked
 20 them to run the license plate number?
 21 A. No, we didn't.
 22 Q. And when you first approached the
 23 vehicle, you didn't call dispatch and ask them
 24 to run the license place number?

96

24 (Pages 93 to 96)

1 A. At that time, no.
 2 Q. Why didn't you do that?
 3 A. Because we never assumed it was stolen,
 4 stolen. We wasn't sure if it was stolen or if
 5 somebody was -- needed help.
 6 Q. You never assumed that it was stolen,
 7 though?
 8 A. Exactly.
 9 MR. KSIAZEK: We'll mark this as Plaintiff's
 10 Exhibit 2.
 11 (Whereupon, Torres Deposition
 12 Exhibit No. 2 was marked for
 13 identification.)
 14 BY MR. KSIAZEK:
 15 Q. Do you recognize what I've marked as
 16 Plaintiff's Exhibit 2? This is what has been
 17 Bates stamped 0109UC through 0114.
 18 A. Okay. Yes.
 19 Q. Do you recognize this document?
 20 A. This top one?
 21 Q. Yes.
 22 A. Yes.
 23 Q. And this is the police report that you
 24 wrote, right, these first two pages, 0109 and

97

1 report that you wrote at the 21st District?
 2 A. Probably threw it out. I scratch --
 3 for scratch.
 4 Q. But you wrote it on a document that
 5 looks just like this?
 6 A. No, I didn't write this -- I keep a pad
 7 with me and I write information.
 8 Q. Okay. But you didn't have this
 9 actual report format in front of you at the
 10 21st District?
 11 A. At the 21st, yes.
 12 Q. Okay. So you had this format at the
 13 21st District?
 14 A. Yes.
 15 Q. Did you write out a report like this at
 16 the 21st District?
 17 A. Yes.
 18 Q. And your testimony is that you threw
 19 that out?
 20 A. The original one I wrote?
 21 Q. The original one that you wrote, yeah.
 22 Is it your testimony that you threw the original
 23 report that you wrote at the 21st District away
 24 in the garbage?

99

1 0110?
 2 A. Yes.
 3 Q. Okay. You didn't write the last four
 4 pages, 0111 through 0114?
 5 A. No.
 6 Q. Okay. So on the top, on suspicious --
 7 or, I'm sorry, under classification, you wrote
 8 suspicious person, slash, auto. Why did you
 9 write that?
 10 A. That's what my supervisor gave me at
 11 the time.
 12 Q. When did your supervisor give that to
 13 you?
 14 A. When I was in the station.
 15 Q. Which station?
 16 A. Our station.
 17 Q. So did you write this report at
 18 your station or did you write it at the
 19 21st District?
 20 A. I wrote one at 21st, but I rewrote it
 21 at our station, because these are handwritten
 22 and sometimes you just jot down stuff and
 23 then -- before you hand it in, it's got to be --
 24 Q. Do you -- what did you do with the

98

1 A. Yes. Well, I don't know if I threw it
 2 away at the 21st District. I kept it with me
 3 and bring it to my station.
 4 Q. Okay. So you're saying that you threw
 5 it away when you got at your station?
 6 A. After I --
 7 Q. Okay. So what did you do with that
 8 first report that you got?
 9 A. The one I originally started with,
 10 yeah, I threw that away because this was my --
 11 the report that I was handing in to my
 12 supervisor.
 13 Q. You threw that one away at your
 14 station?
 15 A. Correct.
 16 Q. At the University of Chicago Station?
 17 A. Correct.
 18 Q. Where is the University of Chicago
 19 Station -- Police Station related -- located in
 20 relation to the 21st District? How far away is
 21 it?
 22 A. I don't know exactly how far. It's on
 23 5555 Ellis. That was our old station.
 24 Q. And that was in 2008?

100

25 (Pages 97 to 100)

1 A. Correct.
 2 Q. That was your old station.
 3 Do you know when exactly you threw that
 4 old report away?
 5 A. That day when I did this one.
 6 Q. So you wrote -- so you wrote this new
 7 report, right?
 8 A. Correct.
 9 Q. And then after you wrote this new
 10 report, you threw the old report away?
 11 A. Correct.
 12 Q. Is it your common practice to write
 13 two different reports?
 14 A. Sometimes I do that. It doesn't bother
 15 me to rewrite a report.
 16 Q. And you said you had notes. You had a
 17 notepad with you?
 18 A. Yes.
 19 Q. Did you keep any of those notes that
 20 you wrote down?
 21 A. No.
 22 Q. What did you do with those notes?
 23 A. Probably threw it away with the other
 24 report. Because I'm not really a good writer or

101

1 speller, so I have to write stuff down in order
 2 to put a report because some supervisors are
 3 very picky in how you write a report.
 4 Q. Sure. But you would agree with me that
 5 any information that you write down after --
 6 after an incident, that's relevant information,
 7 right?
 8 A. Not all of it, no.
 9 Q. Why wouldn't it be relevant
 10 information?
 11 A. Because sometimes I have a scratch
 12 piece of paper that I wrote other stuff down on
 13 from prior incidents or stuff that has nothing
 14 to do with this one.
 15 Q. Sure. But if you had information
 16 about, let's say, this specific incident that
 17 you wrote down, you would agree that that
 18 information would be relevant to this report,
 19 right?
 20 A. At that time, yes.
 21 Q. And it'd be relevant to the
 22 investigation as a whole, right?
 23 A. Yes, I guess.
 24 Q. So why did you throw it away then?

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1 A. I can't answer that. I don't know. I
 2 frequently do that. I rewrite stuff.
 3 Q. You frequently throw away notes and
 4 information you have about cases?
 5 A. On my scratch pad, yes, and stuff I
 6 rewrite, yes. Because like I said, sometimes
 7 you classify one thing and then a supervisor
 8 says, no, reclassify it, so you can't scratch it
 9 out, so you have to rewrite it. And that's --
 10 at the time, that's what my supervisor told me
 11 to put down as a classification.
 12 Q. Who's your supervisor?
 13 A. At that time, it was Sergeant
 14 McClinton.
 15 Q. Okay. Do you know why he told you to
 16 put that down?
 17 A. No. But that's part of the problem we
 18 have. That's why I say about throwing it away,
 19 it happens often. You classify something and
 20 it's -- the sergeant's got to have the final
 21 approval. So if he says that's not the
 22 classification, you have to put down what the
 23 sergeant says.
 24 Q. Do you recall anything about what your

103

1 notes that you threw away you said, do you
 2 recall anything that you wrote down or anything
 3 that those notes said?
 4 A. That was -- it was basically this
 5 RD number, just stuff like this, and then I was
 6 trying to remember what officers were on the
 7 scene. Just gathering a little information here
 8 and there.
 9 Q. So when did you have this conversation
 10 with your Sergeant McClinton? Is that his name?
 11 A. Correct.
 12 Q. When did you have this conversation
 13 about putting suspicious person, slash, auto on
 14 this report?
 15 A. At what time? I don't know. It was
 16 that night, though.
 17 Q. Was it on October 18?
 18 A. Correct.
 19 Q. What did you say to him and what did he
 20 say to you?
 21 A. I don't recall everything. It's been a
 22 while.
 23 Q. Did you talk to him about the incident
 24 on 53rd?

104

26 (Pages 101 to 104)

1 A. Oh, yes.
 2 Q. What did you tell him?
 3 A. I told him exactly what happened.
 4 Q. Do you recall exactly what you said to
 5 him?
 6 A. No.
 7 Q. But he told you to put suspicious
 8 person, slash, auto on the top?
 9 A. Correct.
 10 Q. And then you say on box, I believe it's
 11 seven, time of occurrence, that says 2:38. So
 12 is that about the time dispatch said 2:37, so
 13 that's about when this incident occurred?
 14 A. Approximately.
 15 Q. Okay. And under circumstances in this
 16 Box 26 I believe, in the middle of the page, do
 17 you see vehicle of offender, it says '06
 18 Chrysler? Do you see that?
 19 A. Yes.
 20 Q. That's -- that was the correct vehicle
 21 that was -- that Mr. Boyle exited from?
 22 A. Yes.
 23 Q. And under 27, do you see weapons?
 24 A. Yes.

105

1 Q. Do you know what that circle indicates?
 2 Is it used or no, not used or what is that?
 3 A. What circle? Right here?
 4 Q. The circle -- it seems to be around the
 5 word used.
 6 A. It's a D, slash, NA, does not apply.
 7 Q. Okay. That works.
 8 If you could switch to page two which
 9 is Bates stamped at the bottom U/C0110. I would
 10 ask that if you read the paragraph that you
 11 wrote here, and then I'll ask you a few
 12 questions about it.
 13 A. Sure.
 14 Q. Okay. And you wrote this paragraph on
 15 page two of this document, correct?
 16 A. Yes.
 17 Q. So according to your knowledge, is this
 18 paragraph true and correct to the best of your
 19 recollection?
 20 A. Yes.
 21 Q. Okay. It states the vehicle -- and it
 22 says one, two, three, four lines down, "the
 23 vehicle then curbed quickly and two male
 24 subjects exited the vehicle." Did you say --

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1 you don't say anything in this police report
 2 about the vehicle hitting the curb, right?
 3 A. No, I didn't state it in here, no.
 4 Q. And why didn't you put that in the
 5 report?
 6 A. I don't know. I didn't.
 7 Q. And then if you look about the middle
 8 of the page, it states ROs, which stands for
 9 responding officers, right?
 10 A. Or reporting officer.
 11 Q. Or reporting officers, excuse me.
 12 Reporting officers approached Boyle and
 13 asked who vehicle was it. Boyle answered why.
 14 ROs then asked for an ID, and at this time
 15 became evasive. Do you know what you meant by
 16 when you said evasive?
 17 A. Evasive, he wasn't -- you know, when
 18 we're asking him something, he wasn't being --
 19 what's the word I'm looking for? I'm brain dead
 20 right now. Just, you know, he wasn't following
 21 our directions. You know, he wasn't -- he was
 22 just --
 23 Q. That's fine.
 24 And he says he refused to produce an

107

1 ID.
 2 A. Yes.
 3 Q. And so that's right? He refused to
 4 give you an ID, right?
 5 A. Correct.
 6 Q. Okay. Did you -- then it said Boyle
 7 became very combative and Torres called for
 8 assistance, right?
 9 A. Correct.
 10 Q. Now, you didn't put in here that he
 11 became combative with yourself, right?
 12 A. No.
 13 Q. Okay. And I'll just ask again, what
 14 did you mean by -- when you wrote combative?
 15 A. He was resisting. He was fighting with
 16 us.
 17 Q. But you didn't put in -- well, I'm
 18 sorry. You did put in here that he began
 19 fighting, right?
 20 A. Correct.
 21 Q. Officer then began fighting.
 22 Well, you put in here, began fighting
 23 with Officer Moore, Torres, Galarza and
 24 Kwiatkowski. So you put in here that he was

108

27 (Pages 105 to 108)

1 fighting with four officers, right?

2 A. Correct.

3 Q. And before that, however, you don't
4 state in the report that he was fighting with
5 just yourself and Officer Moore, right?

6 A. What are you talking about?

7 Q. Well, I'm saying in this paragraph,
8 describing what happened at the scene.

9 MR. PUISZIS: You mean other than where he
10 says he became very combative?

11 MR. KSIAZEK: Right. I'm saying before --
12 before that, he didn't put that he was fighting.

13 MR. PUISZIS: I mean, the police report is
14 supposed to be a summary, okay. You want to
15 make a big deal out of this, go ahead.

16 You can -- I don't know if there's a question
17 pending. Why don't you let him ask you a
18 question. I'm sorry.

19 THE WITNESS: Our reports are just for our
20 department. That doesn't go any further than
21 our department. That's why everything goes
22 based on the Chicago Police Department. Ours
23 are just basically summaries.
24

109

1 card?

2 A. Yes.

3 MR. KSIAZEK: We'll mark this for
4 identification purposes as Plaintiff's
5 Exhibit 3.

6 (Whereupon, Torres Deposition
7 Exhibit No. 3 was marked for
8 identification.)

9 BY MR. KSIAZEK:

10 Q. So you filled out what has been marked
11 as Plaintiff's Exhibit 3?

12 A. Yes.

13 Q. Okay. Where it says where employed,
14 St. Patrick's Church, how did you learn that
15 information?

16 A. I got it from the officers at the
17 21st District.

18 Q. Okay. So did you talk to the
19 Chicago Police officers?

20 A. I didn't. Moore did.

21 Q. Okay. So Officer Moore talked to the
22 Chicago Police officers and got this knowledge?

23 A. Correct.

24 Q. And then Officer Moore told you that?

111

1 BY MR. KSIAZEK:

2 Q. Okay. And then at the bottom you say,
3 Officer Gillespie's glasses were broken?

4 A. Correct. My sergeant told me to put
5 that at the bottom of the report.

6 Q. But you had no knowledge about
7 Officer Gillespie's glasses being broken besides
8 what your sergeant told you?

9 A. Correct.

10 Q. Okay. You said you did not fill out
11 the contact cards at the scene?

12 A. At the scene?

13 Q. Yes, at the scene of the incident on
14 53rd Street there.

15 A. What do you mean?

16 Q. You did not fill any contact cards out?

17 A. Did I fill out the contact cards on the
18 scene?

19 Q. Yes.

20 A. Not that I recall.

21 Q. Did you fill out any contact cards in
22 general?

23 A. Yes.

24 Q. Okay. And did you fill out the arrest

110

1 A. Correct.

2 Q. Did you learn any of the information on
3 this arrest card firsthand or was it all from
4 Officer Moore?

5 A. Officer Moore.

6 (Whereupon, Torres Deposition
7 Exhibit No. 4 was marked for
8 identification.)

9 BY MR. KSIAZEK:

10 Q. So these are contact -- what has been
11 marked as Plaintiff's Exhibit 4 are contact
12 cards for Steven Sinclair, Kenneth Roberson, and
13 those are on -- what's been marked as 0064,
14 Bates stamped, and then Ashley Glover is on
15 Bates stamped 0065. And, Officer, did you fill
16 out these contact card reports?

17 A. Yes, I did.

18 Q. Okay. And how did you learn these
19 individuals' names?

20 A. Other officers that were on the scene
21 that gave me their contact cards which was -- I
22 couldn't read it, so I rewrote it on these
23 cards. This was later.

24 Q. When did you fill these out?

112

28 (Pages 109 to 112)

1 A. When I went back to my station, and
2 towards the end of the night when these other
3 officers gave me their – they did contact cards
4 on the scene that they gave me and they weren't
5 legible and I rewrote them.

6 Q. Okay. Is it your understanding that
7 these were the passengers in the Chrysler that
8 was at the scene that night?

9 A. Correct. That's what they stated.

10 Q. Did they state anything else?

11 A. Not that I could recall.

12 Q. All right. Did you ever have the
13 occasion to attend court for – in connection
14 with this case? Did you attend any hearings
15 that Mr. Boyle was present at?

16 A. Yes, I went to court. There were
17 several different court dates.

18 Q. Do you recall what the dates were?

19 A. No, I don't.

20 Q. Are there any documents that would
21 refresh your recollection as to when you arrived
22 at court?

23 A. I just got subpoenas, so whenever.

24 MR. KSIAZEK: All right. I'll show you what

113

1 we'll mark as Exhibit 5 here.

2 (Whereupon, Torres Deposition
3 Exhibit No. 5 was marked for
4 identification.)

5 BY MR. KSIAZEK:

6 Q. And this is – I believe this is a
7 report that you filled out.

8 A. Court report.

9 Q. Court report.

10 Okay. And it says – on the bottom, it
11 says Officer Torres. That's your handwriting
12 and name, correct?

13 A. Correct.

14 Q. Okay. So according to the first page
15 of this document, which is Bates stamped 0052,
16 you appeared on December 12, 2008. And then
17 according to the first paragraph up here, the
18 case was continued to January 20, 2009?

19 A. Correct.

20 Q. And you wrote that paragraph up top?

21 A. Yes.

22 Q. Okay. And you wrote the second
23 paragraph here?

24 A. Yes.

114

1 Q. Where it says "in summary".

2 A. Yes. It's just a little –

3 Q. If you would turn to the second page.

4 This is a document indicating that – it says
5 Arrest Clearing and Closing, slash, Offense
6 Clear Up, slash, Court Info, correct?

7 A. Correct.

8 Q. And the date on this is January 20,
9 2009?

10 A. Correct.

11 Q. Okay. Then if you turn to the third
12 page, what has been marked Bates stamped 0061,
13 that's your name at the bottom, correct?

14 A. Yes.

15 Q. You're Torres, and your star number is
16 1028?

17 A. Correct.

18 Q. Okay. So you – this paragraph, "in
19 summary" – what begins "in summary", the first
20 paragraph, –

21 A. Yes.

22 Q. – you wrote that paragraph, correct?

23 A. Yes.

24 Q. And then on the second paragraph it

115

1 states, "On January 20, 2009, ROs returned to
2 Branch 46 in front of Judge Donnelly who
3 dismissed all charges against Charles Boyle due
4 to CPD complaints written wrong." Do you know
5 what you meant by that?

6 A. Well, like I said, the judge based it
7 on what the judge had told us that Chicago
8 actually didn't do the arrest – I mean, they
9 weren't there. They were just basically doing
10 the paper. And we as the arresting agency, our
11 reports didn't conflict he said, because there's
12 a Chicago report and then there's our reports.

13 Q. So the judge actually said that the
14 reports conflict?

15 MR. PUISZIS: Objection, there's a transcript
16 of what the judge said. What he's – now you're
17 asking him to repeat hearsay. The transcript
18 will speak for itself.

19 If you remember what the judge said, you can
20 go ahead and answer the question.

21 BY MR. KSIAZEK:

22 Q. Do you remember what the judge said?

23 A. Not exactly, no.

24 MR. KSIAZEK: This will be Exhibit 6.

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1 (Whereupon, Torres Deposition
2 Exhibit No. 6 was marked for
3 identification.)

4 BY MR. KSIAZEK:

5 Q. Do you recognize this document?

6 A. I mean, I've never seen it before, but
7 this is --

8 Q. You've never -- I'm sorry, go ahead.

9 A. -- general order.

10 Q. Okay. Have you seen this document
11 before, this general order?

12 A. This specific one, no.

13 Q. Okay. Have you seen a general order in
14 regards to questioning and frisk without arrest
15 from the Chicago -- University of Chicago Police
16 Department?

17 A. No.

18 Q. So you've never seen this document
19 before?

20 A. This specific one, no.

21 Q. Okay. Have you seen something similar
22 to this document?

23 A. They have general orders. Just, you
24 know, they have a general order book, but they

117

1 into the record, because asking it in -- asking
2 it in specific portions of it is improper
3 because these are procedures and all of the
4 particular parts of the procedure may or may not
5 be applicable.

6 MR. KSIAZEK: All right. Well, I'll read the
7 whole thing in the record then.

8 BY MR. KSIAZEK:

9 Q. So that was paragraph one.

10 Paragraph two, "May be made with less
11 than probable cause to arrest but the facts
12 involving the stop must constitute 'reasonable
13 suspicion.'"

14 "The officer will identify himself and
15 state the purpose for the 'Stop.'"

16 Persons -- on paragraph four: "Persons
17 will be detained for a reasonable period of time
18 only."

19 Paragraph five: "Detention and
20 questioning will be conducted in the vicinity of
21 where the person was stopped."

22 Have I read that correctly?

23 A. Yes.

24 Q. Okay. So did you have a reasonable

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1 don't -- you know, we don't look at every single
2 general order. I mean, we don't have the --
3 it's not like they pass out general orders with
4 our department. They just have a book there.

5 Q. All right. Well, under -- this is
6 titled Questioning and Frisk Without Arrest, and
7 I believe this was issued February 1, 1990
8 according to this document, and this was
9 produced by your counsel. So under Guidelines
10 for a Stop, it states: "Will be made only when
11 the officer has a reasonable belief that a crime
12 is being committed, is about to be committed or
13 has been committed by the person stopped."

14 Did you believe when you stopped on
15 October 18, 2008, that a crime was being
16 committed, about to be committed or --

17 MR. PUISZIS: Well, I object to this as an
18 incomplete hypothetical because you see
19 paragraph two says, "May be made with less than
20 probable cause to arrest", yada, yada, yada.

21 MR. KSIAZEK: And I was going to get there,
22 too.

23 MR. PUISZIS: Well, then ask him -- ask the
24 question the fair way and read the whole thing

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1 belief that a crime was about to be committed or
2 did you have reasonable suspicion to believe
3 that a crime was about to be committed or
4 committed on October 18, 2008?

5 MR. PUISZIS: Are you saying that every time
6 an officer walks up to somebody on the street,
7 the only time they can question or talk to the
8 person is when these five guidelines are
9 applicable? Was this man ever taken into
10 detention before the wrestling began?

11 MR. KSIAZEK: Well, he was stopped.

12 MR. PUISZIS: Did the officer stop him?

13 MR. KSIAZEK: They asked him for
14 identification.

15 MR. PUISZIS: So that's -- that -- an officer
16 has to have probable cause to believe a crime is
17 committed before he can ask someone for
18 identification?

19 MR. KSIAZEK: I'm just reading the document.

20 MR. PUISZIS: Well, you know, the thing is,
21 you know, procedures -- departmental procedures
22 are not the groundwork for a 1983 claim.
23 There's plenty of cases out there that say you
24 can violate departmental procedures as long as

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1 you're in compliance with the law. That's fine.
2 So I object to the whole line of questioning as
3 being irrelevant and immaterial, but go ahead
4 and ask him any questions you want. This is all
5 irrelevant to whether or not, you know, there
6 was even Fourth Amendment implicated at any
7 point before the wrestling started occurring.

8 MS. GIBBONS: I'll join.

9 MR. PUISZIS: So, I'm sorry, I didn't mean
10 to –

11 MR. KSIAZEK: That's fine.

12 BY MR. KSIAZEK:

13 Q. Do you have a reasonable belief that a
14 crime was committed or about to be committed?

15 A. Yes.

16 Q. What crime?

17 A. Well, we had a suspicion with the
18 vehicle with the horn going off.

19 Q. Okay. Did you identify yourself and
20 state the purpose for why you were asking
21 questions of Mr. Boyle?

22 A. Did I what?

23 Q. Did you identify yourself to Mr. Boyle?

24 A. No.

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1 Q. And did you tell Mr. Boyle why you were
2 stopping him?

3 MR. PUISZIS: Objection, they never stopped
4 him.

5 Subject to the objection, you can answer the
6 question.

7 BY MR. KSIAZEK:

8 Q. You can answer the question.

9 A. We questioned him.

10 MR. KSIAZEK: This will be the last thing, I
11 promise. Mark this as Exhibit 7.

12 (Whereupon, Torres Deposition
13 Exhibit No. 7 was marked for
14 identification.)

15 BY MR. KSIAZEK:

16 Q. I've handed you what's been marked as
17 Plaintiff's Exhibit 7 and these are your
18 interrogatories, correct, your answers to your
19 interrogatories?

20 A. Yes.

21 Q. Okay. And on the last page, page nine,
22 that's your signature right on the bottom of the
23 page there?

24 A. Yes.

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1 Q. Okay. And you say on – okay, you say
2 on page five under the answer to question five,
3 on very bottom of the page it says, may have
4 knowledge of a conversation with the plaintiff
5 when he refused to tell him about the incident
6 or said he had another way he was going to deal
7 with this or words to that effect.

8 Do you know anything about those
9 statements that were made on the very -- it's
10 the last three lines?

11 A. Oh, no.

12 MR. PUISZIS: He knows nothing about the
13 complaint your client filed against them under a
14 different name.

15 BY MR. KSIAZEK:

16 Q. Okay. Under question nine, your
17 answer – the question is "Please describe your
18 assignment with the University of Chicago Police
19 Department on October 18, 2008. Your response
20 should include the actual time you began and
21 ended your duties." Your answer is, on
22 October 18, I was working for the University of
23 Chicago on the midnight shift. I was working
24 assignment 109. Clarence Moore was riding with

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1 me to learn the University's practices and
2 procedures. When you say practices and
3 procedures, is that what you meant by –

4 A. The boundaries and our reports.

5 Q. And under answer number ten you say
6 you've never previously been sued in your
7 capacity as a University of Chicago Police
8 officer. Is that still correct?

9 A. Yes.

10 Q. Okay. Besides this lawsuit obviously.

11 MS. GIBBONS: Just really quickly, on
12 page five, are those notes from you, the written
13 notes on the interrogatories? Just curious, are
14 they yours?

15 MR. KSIAZEK: No, they're not.

16 MS. GIBBONS: You produced this copy, okay.

17 MR. KSIAZEK: No, they're not.

18 BY MR. KSIAZEK:

19 Q. Actually, I should ask. On page five,
20 did you circle Aguilar and put a question mark
21 on that?

22 A. Yeah, that was the wrong name.

23 Q. Are those your initials, LT?

24 A. Yes.

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1 Q. And also on page five under Salvatore
2 or Salvatore (different pronunciation), you put
3 question marks next to it?

4 A. Yeah, I didn't know who that was when I
5 was reading it.

6 Q. Is there any other information relating
7 to the incident on October 18, 2008 that we
8 haven't talked about here today?

9 A. No.

10 MR. KSIAZEK: I don't believe I have any
11 other questions.

12 MS. GIBBONS: I just have a few if you don't
13 mind, Steve.

14 MR. PUISZIS: Okay.

15 EXAMINATION

16 BY MS. GIBBONS:

17 Q. Officer Torres, I'm Helen Gibbons. I
18 represent the City of Chicago and the City of
19 Chicago Police officers in this matter. I just
20 wanted to quickly go back to the actual incident
21 when Mr. Boyle was taken into custody. You
22 don't recall exactly when the Chicago Police
23 Department officers arrived on the scene, do
24 you?

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1 A. Not exactly, no. Like I said,
2 everything happened so fast, that when I was --
3 when I called for 10-1, they came. It was just
4 like a relief for me. I just kind of -- the
5 next thing you know, there's just cars from all
6 over.

7 Q. Do you recall -- I'm sorry, were you
8 done?

9 A. I mean, I just don't remember
10 exactly -- there was a lot of Chicago Police
11 there, but what -- exactly what time and how
12 they got there, when they got there, I don't
13 know exactly, because as I said, they just
14 flooded -- you know, when they call a 10-1, it's
15 just like they come from everywhere.

16 Q. Do you recall approximately how many
17 City of Chicago Police officers were on the
18 scene?

19 A. No, I couldn't say exactly. I don't
20 know exactly.

21 Q. Were there more than two?

22 A. Oh, yes.

23 Q. Was there a supervisor or a sergeant in
24 a white shirt?

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1 A. Yes, from the Chicago Police.

2 Q. And just can you recall when the other
3 University of Chicago Police officers were
4 working to get Mr. Boyle into custody, do you
5 recall seeing the City of Chicago Police
6 officers there at that point in time?

7 A. No.

8 Q. Okay. And what's the University of
9 Chicago Police uniform look like?

10 A. Just like Chicago's. Well, we changed
11 it now, but back then it was just like
12 Chicago's.

13 Q. Can you just tell me a little bit --

14 A. Like a blue shirt with either black
15 vest or blue vest. The only difference was our
16 patch and our stars, but other than that, it
17 looked just like Chicago.

18 Q. And do you recall which city
19 university -- I'm sorry, City of Chicago Police
20 officers by name you dealt with? Do you recall
21 any of the Chicago Police officers' names?

22 A. That night?

23 Q. Uh-huh.

24 A. I just remember Darling and -- because

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1 what it is, I was out of -- might be 109. I
2 know a lot of guys -- that's in the
3 3rd District, so I kind of know them all by name
4 and face. But because I was up there getting
5 coffee, that's the 21st District, and I never
6 used to deal with the 21st District. I
7 basically deal with -- because our thing goes
8 into the 21st, to the 2nd and to the
9 3rd District, so we deal with three different
10 districts. So I'm familiar with all the guys in
11 the 3rd District where I was working. That's my
12 beat actually.

13 Q. So no guys from the 3rd District were
14 there?

15 A. No. Actually, there was a 3rd District
16 car there, but I don't know who it was, because
17 I remember them saying -- the guys in the
18 station, they're saying that guys came from all
19 over.

20 Q. But you don't recall specifically who
21 it was?

22 A. No.

23 Q. You just heard about it?

24 A. Yeah. I said everything happened so

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32 (Pages 125 to 128)

1 fast. All this happened in a matter of — it
2 seemed like, you know, minutes.

3 Q. Do you recall who placed Mr. Boyle into
4 the squad car?

5 A. No. I believe it was one of our guys
6 that actually put him in the car. I'm not
7 certain with that. But usually if it's one of
8 our people, we put them in the car, but it
9 doesn't always happen that way. Depending on
10 whoever's driving the car, the officer from
11 Chicago, they might want to pat them down and
12 throw them in the car themselves. It's kind of
13 hard when you're working with two different
14 departments.

15 Q. But did you see Mr. Boyle get placed
16 into a squad car?

17 A. No, I didn't see him actually getting
18 put into the car, no.

19 MS. GIBBONS: That's all. I have nothing
20 further at this point.

21 EXAMINATION

22 BY MR. PUISZIS:

23 Q. Your police report, is it meant to be a
24 summary?

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1 A. Yes.

2 Q. It's not meant to be a transcript?

3 A. No.

4 Q. And if you had known you were going to
5 be sued by Charles Boyle, would you have
6 included additional information --

7 A. Oh, definitely.

8 Q. — in your report?

9 A. Definitely.

10 Q. Is there anything in your report that
11 was marked as an exhibit that — you said you
12 had started a report and then rewrote it --

13 A. Yeah.

14 Q. — at the University of Chicago.

15 A. Correct.

16 Q. Anything in that original report that
17 you began at the University of Chicago that is
18 not contained in this report that was marked as
19 Exhibit --

20 MR. KSIAZEK: Two.

21 BY MR. PUISZIS:

22 Q. — 2 for identification purposes?

23 A. No.

24 Q. And the principal change dealt with the

130

1 classification?

2 A. Correct.

3 Q. Now, are you allowed to make narcotics
4 arrests?

5 A. No.

6 Q. Do you participate in the narcotics
7 investigations?

8 A. No.

9 Q. Are you allowed to write traffic
10 tickets?

11 A. No.

12 Q. So you don't have full police powers as
13 such, do you?

14 A. No.

15 Q. And the jurisdiction where you work --
16 I'm sorry, not the jurisdiction, but the areas
17 that you work as a University Chicago -- on
18 behalf of the University of Chicago, there's
19 also Chicago Police officers that work that --
20 those areas as well, correct?

21 A. Correct.

22 Q. So what you do for the University of
23 Chicago in terms of the safety of its students
24 is not exclusive to the University of Chicago by

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1 any stretch of the imagination, is it?

2 A. No.

3 Q. And what's your understanding of your
4 responsibility as an officer for the University
5 of Chicago?

6 A. Is to protect the students and the
7 property of the University of Chicago.

8 Q. Now, at 2:35 or 2:38 in the morning
9 when this incident happened, were there any
10 other vehicles on the street?

11 A. No, not that I recall.

12 Q. The uniform you wear, does it have your
13 nametag on it?

14 A. Yes.

15 Q. Okay. And would someone looking at you
16 recognize that you're some type of law
17 enforcement officer?

18 A. Yes.

19 Q. Now, you heard the horn go off. You
20 saw the car abruptly pull to the curb, right?

21 A. Correct.

22 Q. The following block, there's the
23 Bank of America with an ATM?

24 A. Yes.

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1 Q. Are parking spots up there?
 2 A. Yes.
 3 Q. If people wanted to go to an ATM, could
 4 they have parked there?
 5 A. Yes.
 6 Q. You saw two men after the car hit the
 7 curb get out of the car right away?
 8 A. Correct.
 9 Q. Okay. And they walked and you lost
 10 sight of them, right?
 11 A. Correct.
 12 MR. KSIAZEK: Objection, leading.
 13 BY MR. PUISZIS:
 14 Q. In terms of a potential hazard to you
 15 as an officer, who represents the greatest
 16 hazard to you, the people in the car or the
 17 people who had walked some distance away from
 18 the car that were now out of your sight?
 19 A. The people in the car.
 20 Q. When an ignition lock is broken – or
 21 one of the ways to steal a car is to break an
 22 ignition lock and peel the column, steering
 23 column, right?
 24 A. Right.

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1 MR. KSIAZEK: Objection, leading.
 2 BY MR. PUISZIS:
 3 Q. When that happens, would there be
 4 trouble steering a car from time to time?
 5 A. Yes.
 6 Q. You didn't know whether that car was
 7 stolen or not, right?
 8 A. Correct.
 9 Q. But one of the things you understood or
 10 you were trained was that when a vehicle is
 11 stolen, if it has an alarm system, it can
 12 activate the horn of the car, correct?
 13 A. Correct.
 14 MR. KSIAZEK: Objection, leading.
 15 BY MR. PUISZIS:
 16 Q. And is that something you learned in
 17 the police academy?
 18 A. Yes.
 19 Q. And so the – would it be fair to say
 20 that the horn going off and the manner in which
 21 the car went to the curb was at least consistent
 22 with the possibility of there being a stolen
 23 vehicle?
 24 A. Yes.

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1 MR. KSIAZEK: Objection, leading.
 2 BY MR. PUISZIS:
 3 Q. Sometimes when people honk the horn or
 4 blow their horn, it's also a sign that they may
 5 need assistance?
 6 A. Yes.
 7 Q. So did you feel you were doing anything
 8 improper or violating anyone's rights by driving
 9 over to see what was going on with that car
 10 given the fashion in which it stopped?
 11 A. No.
 12 Q. Now, you saw two men get out of the car
 13 and walk quickly away from it, correct?
 14 A. Correct.
 15 Q. You saw Mr. Boyle get out of the car,
 16 correct?
 17 A. Correct.
 18 Q. Was it your intent at that point to put
 19 Mr. Boyle under arrest?
 20 A. No.
 21 Q. What was your purpose in approaching
 22 Mr. Boyle?
 23 A. To see what the problem was with the
 24 car, to find out if it was stolen or if there

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1 was -- somebody needed assistance. And
 2 basically if everything would have worked out
 3 right, we would have just did a -- filled out a
 4 contact card and that would have been it.
 5 Q. When you asked for his -- when you
 6 asked him whose vehicle was this, what did he
 7 say?
 8 A. Why?
 9 Q. Did he tell you who owned the car?
 10 A. No.
 11 Q. When you asked him for identification,
 12 did he provide you with any identification?
 13 A. No.
 14 Q. Typically if someone is not violating
 15 the law -- or let me withdraw it and ask it this
 16 way: Has it been your experience, Officer, that
 17 when someone is not violating the law, they will
 18 provide information to a police officer upon
 19 request?
 20 A. Yes.
 21 MR. KSIAZEK: Objection, speculation.
 22 THE WITNESS: Yes.
 23 BY MR. PUISZIS:
 24 Q. Now, when Mr. Boyle picked you up, you

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34 (Pages 133 to 136)

1 were off your feet?
 2 A. Correct.
 3 Q. And he was moving you back towards your
 4 squad car?
 5 A. Yes.
 6 Q. Kind of like how a linebacker tackles a
 7 running back, locks him up and runs him back?
 8 A. Yes.
 9 MR. KSIAZEK: Objection, foundation.
 10 BY MR. PUISZIS:
 11 Q. And do you remember what he -- you
 12 know, did he put you somewhere? Did he throw
 13 you on top of the car? Did he throw you in your
 14 squad car? What happened to you?
 15 A. I fell into the passenger side.
 16 Q. You actually fell into the passenger
 17 side seat of your car?
 18 A. Car.
 19 Q. And then did Officer Moore jump on his
 20 back to try and pull him off of you?
 21 A. Yes.
 22 MR. KSIAZEK: Objection, leading.
 23 BY MR. PUISZIS:
 24 Q. Did you have any idea what his intent

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1 was when he threw you into -- onto the seat on
 2 the passenger side of your vehicle?
 3 A. No.
 4 Q. Was he still face to face with you?
 5 A. Yes.
 6 Q. Had you struck him or hit him or done
 7 anything to cause that type of activity or
 8 response from him?
 9 A. No.
 10 Q. Now, once Officer Moore grabbed -- or
 11 jumped on his back, is that when you radioed --
 12 A. Yes.
 13 Q. -- requesting assistance?
 14 MR. KSIAZEK: Objection, leading.
 15 BY MR. PUISZIS:
 16 Q. Do you know how many officers from the
 17 University of Chicago responded to that request
 18 for assistance?
 19 A. I believe all of them.
 20 Q. Was it more than just the officers
 21 named in this lawsuit?
 22 A. Yes.
 23 Q. Do you know who actually would have
 24 spoken to the witnesses at the scene who you

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1 obtained the contact cards from?
 2 A. Do I know who wrote them?
 3 Q. Yeah.
 4 A. No, I don't.
 5 Q. Do you recall at what point during the
 6 course of this whole incident that Mr. Boyle
 7 actually was taken down to the ground?
 8 A. Do I recall at what point?
 9 Q. Yeah.
 10 A. At what time? No, not exactly because
 11 I didn't actually take him down.
 12 MR. PUISZIS: Thank you. I don't have any
 13 other questions.
 14 FURTHER EXAMINATION
 15 BY MR. KSIAZEK:
 16 Q. The parking spots that you said about
 17 the bank, the ATM, was it on the street or was
 18 it an actual lot?
 19 A. It's a street.
 20 Q. So the parking spot was actually on the
 21 street?
 22 A. For that ATM, if you're going to that
 23 ATM, it's on the street.
 24 MR. KSIAZEK: I don't have anything further.

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1 MR. PUISZIS: We'll reserve signature.
 2 FURTHER DEPONENT SAITH NAUGHT
 3 (Witness was excused at 12:46 p.m.)
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35 (Pages 137 to 140)

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHEASTERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
Plaintiff,)
vs.) No. 09 CH 1080
UNIVERSITY OF CHICAGO POLICE)
OFFICER LARRY TORRES, et al.,)
Defendants.)

This is to certify that I have read the transcript of my deposition taken in the above-entitled cause by KAREN E. DOMINICK-RIGONI, Registered Professional Reporter, on November 9, 2009, and that the foregoing transcript accurately states the questions asked and the answers given by me as they now appear.

LARRY TORRES
SUBSCRIBED AND SWORN TO
Before me this _____ day
of _____, 2010.

Notary Public

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of the testimony so given by said witness as aforesaid.

I further certify that the signature to the foregoing deposition was not waived by counsel for the respective parties.

I further certify that the taking of this deposition was pursuant to notice, and that there were present at the deposition the attorneys hereinbefore mentioned.

I further certify that I am not counsel for nor in any way related to the parties to this suit, nor am I in any way interested in the outcome thereof.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my signature this 12th day of January, 2010.

Karen E. Dominick-Rigoni
KAREN E. DOMINICK-RIGONI, CSR, RPR
COOK COUNTY, ILLINOIS

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STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

I, KAREN E. DOMINICK-RIGONI, a Registered Professional Reporter within and for the County of Cook County and State of Illinois, do hereby certify that heretofore, to-wit, on the 9th day of November, 2009, personally appeared before me, at 222 North LaSalle Street, Suite 300, Chicago, Illinois, LARRY TORRES, in a cause now pending and undetermined in the Circuit Court of Cook County, Illinois, wherein CHARLES BOYLE is the Plaintiff, and UNIVERSITY OF CHICAGO POLICE OFFICER LARRY TORRES, ET AL. are the Defendants.

I further certify that the said witness was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by said witness was reported stenographically by me in the presence of the said witness, and afterwards reduced to typewriting by Computer-Aided Transcription, and the foregoing is a true and correct transcript

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McCORKLE COURT REPORTERS, INC.
200 North LaSalle Street, Suite 300
Chicago, Illinois 60601-2956
(312) 263-0052

January 12, 2010

HINSHAW & CULBERTSON, LLP
ATTN: MR. STEVEN M. PUISZIS
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
IN RE: BOYLE vs. UNIVERSITY OF CHICAGO
COURT NUMBER: 09 CH 1080
DATE TAKEN: 11/09/09
DEPONENT: LARRY TORRES

Dear Mr. PUISZIS:

Enclosed is the deposition transcript for the aforesaid deponent in the above-entitled cause. Also enclosed are additional signature pages, if applicable, and errata sheets. Per your agreement to secure signature, please submit the transcript to the deponent for review and signature. All changes or corrections must be made on the errata sheets, not on the transcript itself. All errata sheets should be signed and all signature pages need to be signed and notarized. After the deponent has completed the above, please return all signature pages and errata sheets to me at the above address, and I will handle distribution to the respective parties.

If you have any questions, please call me at the above phone number.

Sincerely,

Margaret Setina Court Reporter:
Signature Department Karen E. Dominick-Rigoni
CSR, RPR

cc: All parties.

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36 (Pages 141 to 144)

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8:4 11:1 12:5	111:11	88
2	3rd	6:13
2	128:3,9,11,13	
3:14 39:8	128:15	9
97:10,12,18	30	9
130:22	2:12	16:16 141:14
2nd	300	9th
128:8	1:19 2:3,7	1:17 142:8
2:30	142:10 144:1	90
24:9,11 38:21	144:5	3:13
39:22 40:21	312	900
2:35	2:4,8,13 144:2	2:12
132:8	330	92
2:37	2:3	8:10
90:18 105:12	345-8877	93
2:38	2:4	12:4,5,6 17:19
105:11 132:8	398206	95
20	96:12	12:4,5,6 17:19
28:19,21	4	97
114:18 115:8	4	3:14
116:1	3:4,16 112:7	
200	112:11	
15:12 144:1	40	
2000	15:14	
12:22	400-1448-7100	
2005	95:6	
11:5,6,11	46	
2007	116:2	
12:22	5	
2008	5	
16:12 18:2,5	3:17 114:1,3	
18:11,19	53	
19:1,5 20:5	94:13,14,23	
20:11 23:4,6	53rd	
23:10,20	24:5,10 27:19	
24:6 90:14	27:20 38:19	
91:13 100:24	43:12 81:24	
114:16	92:24 93:7	
118:15 120:4	104:24	
123:19 125:7	110:14	
2009	55th	
1:17 91:13	91:17	
114:18 115:9	5555	
116:1 141:14	100:23	
142:8	6	
2010	6	
141:22 143:16	6	
144:3	3:18 118:24	
21st	117:2	
71:13 75:8,11	60601	
77:9,13,23	2:8 144:6	
78:1,17 82:1	60601-2956	
82:5,11,20	144:2	
83:13,24	80602	
84:6 86:4,11	2:13	
86:15,23	60606	
89:2 96:5,7	2:3	
98:19,20	61st	
99:1,10,11	20:8	
99:13,16,23	64th	
100:2,20	20:8	
111:17 128:5	6733	
128:6,8	95:20	
222		
1:18 2:7 142:9		
144:5		

EXHIBITS

The University of Chicago Police - Dispatch Tape - 18 October 2008

Starting time: 0237 hours

Dispatch Go head unit

Unit 1424 55th Street, hurry up

Dispatch Any unit on the scene with him? 109

109 Send me a car over here

Dispatch I need the address, 109 what's your location?

109 53rd and Blackstone

Dispatch 53rd and Blackstone, we got a 10-1, 10-1 53rd and Blackstone

101 101 enroute 53rd and Blackstone right?

Dispatch 53 and Blackstone, 5-3 and Blackstone, we got a 10-1

130 Take my two (2) cars right now

Dispatch 105 and 106 you headed?

105 5 going

101 101, 23 (twenty-three)

Dispatch 101 what you got over there? One, zero, one what do you have?
101 do you see 109? Okay units we got the city coming can somebody
get there? Next unit on the scene tell me what you got.

Unknown We got one guy on the ground we got two (2) officers.

Dispatch 53 and Blackstone I need every officer we got to get to 5-3 and Blackstone.

100 100 is in enroute.

Dispatch 53 and Blackstone, okay units do we have everything under control at
53 and Blackstone?

Unknown Everybody take a slow down

100 Slow it down

Dispatch Okay units slow it down at 53 and Blackstone, slow it down. Slow
it down at 53 and Blackstone. 53 and Blackstone units slow it down.

U-2020
Page 1 of 3

U/C
0047



105 Squad give it a disregard we have enough units on the scene

Dispatch Okay 105 is giving disregard, enough units on the scene 53 and Blackstone.

106 6-10-4

101 101

Dispatch 101

101 Please run driver's license for me, driver's licenst, B-boy
40014487100.

Dispatch 10-4

Dispatch Okay 106, that driver's license, 103

100 There is a (indistinct) what you need dispatch?

Dispatch Someone there ran a drivers license, I want to give them the information.

106 Oh go ahead squad, squad go ahead with the drivers license info

Dispatch You should be talking to a Charles Boyle, 6733 S. Chappell he's clear
squad.

Unknown Any priors or any contact cards or anything

Dispatch We're checking through the computer

105 105 - while you're at it can you run a plate that this guy was in?

Dispatch What was it?

105 Illinois, X-ray 398206

Dispatch 10-4

100 100 to 103

103 3 go

100 You got an extra pair of glasses, or do you need to go home and get
some or anything?

103 I'm going to have get some Lt. cause I can't see anything.

100 Okay park, your car and I'll give you a ride home to get some if you
got an extra pair.

U-2020
Page 2 of 3

U/C
0048

109 One zero nine
Dispatch 109 -
109 Alright I got an IL DL when ready?
Dispatch Go with it
109 Disregard, disregard
Unknown 17 paw on that escort
Dispatch 10-4, the drivers license or the plate, X-ray 3908206 coming back clear
valid on an 06 Chrysler, 4 door. Margo and Ashley Glover, 13033 Seelcy
in Blue Island.
105 105 - 10-4 if you can hold that information
Dispatch Printing it as we speak

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Page 3 of 3

U/C
0049

1. TYPE OF VIOLATION 11. DESTRUCTIVE DAMAGE 12. ATTEMPTED OFFENSE		2. CLASSIFICATION CODE 47		3. CLASSIFICATION SUSPICIOUS PERSON/AUTO	
5. ADDRESS OF OCCURRENCE 1435 E 53ST				6. DATE (MO DAY-YR) 18 OCT 08	
7. TIME OF OCCURRENCE 0735		8. DATE REPORTED 18 OCT 08		9. TIME REPORTED 0735	
10. APT OR ROOM NUMBER OTHER INFO N/A		11. SU OF C PROPERTY NON U OF C PROPERTY		12. RESIDENCE X ON STREET	
13. ALLEY		14. CHURCH AREA OF AUTHORITY		15. REPORTED VIA (U OF C) RADIO X ON VIEW OTHER	
16. GIVE NAME OF BLDG OR TYPE OF LOCATION WHERE INCIDENT OCCURRED STREET				17. BUILDING CODE N/A	
ALL INFORMATION, DESCRIPTIONS AND STATEMENTS IN THIS REPORT ARE APPROXIMATIONS OR SUMMARIZATIONS UNLESS INDICATED OTHERWISE					
18. COMPLAINTANT L. TORRES		19. ADDRESS 5555 S ELIAS		20. APT OR ROOM NO N/A	
21. DEPT & POSITION POLICE OFF-CR		22. EMPLOYER UCFC		23. RELATIVE OF FAC	
24. SEX M		25. RACE W		26. AGE 39	
27. BUSINESS PHONE 762-8181		28. TIME AVAILABLE ANY		29. PHYSICIAN HOSPITAL	
30. NAME OF OFFENDER D. Boyle CHARLES		31. ADDRESS 6733 S CHAPPEL		32. PHONE 363-2575	
33. NAME OF SUSPECT D		34. ADDRESS N		35. PHONE A	
36. NAME OF VICTIM D		37. ADDRESS N		38. PHONE A	
39. NAME OF WITNESS D		40. ADDRESS N		41. PHONE A	
42. NAME OF OTHER D		43. ADDRESS N		44. PHONE A	
45. HOW MANY OFFENDERS 1		46. SUSPECTS 0		47. WITNESSES 0	
48. ARRESTED 1		49. ADULTS 0		50. CONTACT - LEADS STATE 1	
51. ARREST CARDS MADE 1		52. MAKE 06 CHRYSLER		53. MODEL PASS	
54. BODY STYLE 4DR		55. COLOR SILVER		56. VIN X35820612	
57. WEAPONS X KNIFE		58. CAL-GA N/A		59. COLOR N/A	
60. POSSIBLE POINT OF ENTRY D		61. POSSIBLE POINT OF EXIT N		62. POSSIBLE TOOLS USED A	
63. BURD ALARM ON PREMISES X NO		64. ALARM CIRCUMVENTED X NO		65. TOOK PARTS - PRESERVED X NO	
66. WERE IN CUPANTS AT HOME X NO		67. DESCRIBE PROPERTY X TAKEN		68. LIST TOTAL DOLLAR VALUE OF TAKEN LOST OR MISSING PROPERTY ONLY \$ 0	
69. VEHICLE OR TRAILER (SPECIFY TYPE) D		70. YEAR N/A		71. MAKE N/A	
72. MODEL N/A		73. BODY STYLE N/A		74. COLOR N/A	
75. STATE LICENSE N/A		76. STATE N/A		77. YEAR N/A	
78. OTHER IDENTIFYING MARKS N/A		79. OWNER OF PROPERTY X U OF C		80. U OF C INVENTORY A	
81. REPORTING OFFICER'S NAME (PRINT) TORRES		82. OFFICER'S ASSIGNMENT 109		83. OFFICER'S SIGNATURE Torres	
84. CPD BEAT ASSIGNED 2132		85. NOTIFIED BY COMPL OR VICTIM CPD REFUSED REPORT COMPL REFUSED CPD		86. CPD OFFICER (PRINT NAME) STAR NO RD NO DARLING 19135 HP634061	
87. CPD UNITS ASSIGNED N/A		88. APPROVING SUPERVISOR'S NAME (PRINT) [Signature]		89. APPROVAL SIGNATURE [Signature]	
90. DIRECTOR X ASST DIR		91. TIME 10 OCT 0600		92. DEAN OF STUDENTS - TIME N/A	
93. PERSON MAKING NOTIFICATION X YES		94. COPY SENT BY Kupc		95. COPY SENT TO (DATE/TIME) DEAN OF STUDENTS N/A	
96. MAIL CONTACT - REFUSED X NO		97. SEC LETTER X YES		98. SIGNED & RETURNED X NO	

OPERATOR 1 VEHICLE 1	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO	STATE	OTHER IDENTIFYING MARKS
OPERATOR 2 VEHICLE 2	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO	STATE	OTHER IDENTIFYING MARKS

IDENTIFY STREETS
BY NAME OR NUMBER

DRAW ARROW
INDICATING
NORTH

1. Follow dotted lines to draw outline of roadway at place of accident.

2. Number each vehicle and show direction of travel by arrow.

→ 1 ← 2 ←

Use solid line to show path before accident.

Dotted line after accident

4. Show pedestrian by: ○

5. Show utility poles by: ○

6. Show motorcycle by: ⊗

D-N-A

Direction of Travel	(Circle)			
	N	S	E	W
Vehicle 1	1	2	3	4
Vehicle 2	1	2	3	4

51. NARRATIVE

Description of Offender M/B 5'9 247lbs BIKEN BROWN Eyes Grey Jacket Blue Jeans WHITE + BIKEN gym shoes

IN SUMMARY ON 18 OCT 08 AT APPROX 2:38 HRS WHILE ON PATROL R/O'S MOORE #1012 AND TORRES #1028 NOTICED A SILVER CHRYSLER DRIVING EAST BOUND ON 53RD ST WITH HORN SOUNDING WHILE DRIVING. THE VEHICLE THEN CORBED QUICKLY AND TWO MALE SUBJECTS EXITED VEHICLE AND BEGAN WALKING EAST BOUND ON 53RD ST. THE THIRD SUBJECT NOW KNOWN AS D BOYLE, CHARLES 4/17/87 (OFFENDER) EXITED VEHICLE AND OPENED HOOD OF VEHICLE. R/O'S APPROACHED D BOYLE AND ASKED WHO VEHICLE WAS IT. D BOYLE ANSWERED WHY? R/O'S THEN ASKED FOR AN ID AND AT THIS TIME BECAME EVASIVE AND REFUSED TO PRODUCE AN ID. D BOYLE THEN BECAME VERY COMBATIVE AND R/O TORRES CALLED FOR ASSISTANCE. OFFENDER THEN BEGAN FIGHTING WITH OFFICER'S MOORE, TORRES, GALARZA + KWIATKOWSKI, DURING THE ALTERCATION ARREST OFFICER'S GALARZA + MOORE GOT INJURED. OFC. MOORE INJURED LEFT WRIST. OFFENDER WAS TRANSPORTED TO 21ST DIST. BY BEAT 2132 FOR PROCESSING. OFFENDER WAS CHARGED WITH INTERFERENCE TO POLICE OFFICER (RESISTING)

Court date 04 DEC 08 BRANCH 34-2 Time 0900HRS

OFC. Gillespie glasses were broken.

TYPE OF INCIDENT <input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> OFFENSE <input type="checkbox"/> ATTEMPTED OFFENSE		1 CLASSIFICATION CODE 6		3 CLASSIFICATION INJURED PERSON		4 DATE OCC (DAY-MO-YR) 18 OCT 08		5 TIME OF OCCURRENCE 0258	
ADDRESS OF OCCURRENCE 5503 S. CHICAGO AVE. CHICAGO, IL 60637						6 DATE REPORTED 18 OCT 08		7 TIME REPORTED 0238	
8 APT OR ROOM NUMBER DATA		9 DU OF C PROPERTY <input checked="" type="checkbox"/> DU OF C PROPERTY		<input type="checkbox"/> RESIDENCE <input type="checkbox"/> NON RESIDENCE		<input type="checkbox"/> OUTSIDE AREA OF AUTHORITY		10 REPORTED VIA <input type="checkbox"/> V.C. RADIO <input type="checkbox"/> CPD RADIO <input type="checkbox"/> OTHER	
11 ONE NAME OF BLDG OR TYPE OF LOCATION WHERE INCIDENT OCCURRED STREET						BUILDING CODE DATA		12 REPORTED BY <input type="checkbox"/> V.C. RADIO <input type="checkbox"/> CPD RADIO <input type="checkbox"/> OTHER	
ALL INFORMATION, DESCRIPTIONS AND STATEMENTS IN THIS REPORT ARE APPROXIMATIONS UNLESS INDICATED OTHERWISE									
13 COMPLAINTANT OSCAR R. GALARZA 5555 S. ELLIS CHICAGO, IL 60637									
14 HOME PHONE 702-8181									
15 TIME AVAILABLE Jury									
16 2. <input type="checkbox"/> FAC, DEPT & POSITION STAFF POLICE									
17 BUSINESS PHONE 702-8181									
18 TIME AVAILABLE Jury									
19 <input type="checkbox"/> INJURY <input checked="" type="checkbox"/> SEATED <input checked="" type="checkbox"/> RELEASED <input type="checkbox"/> ADMITTED									
20 NAME OF <input type="checkbox"/> OFFENDER <input type="checkbox"/> SUSPECT <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> OTHER LARRY JONES 5555 S. ELLIS CHICAGO, IL 60637									
21 NAME OF <input type="checkbox"/> OFFENDER <input type="checkbox"/> SUSPECT <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> OTHER DATA									
22 NAME OF <input type="checkbox"/> OFFENDER <input type="checkbox"/> SUSPECT <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> OTHER DATA									
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26 VEHICLE OF <input type="checkbox"/> OFFENDER <input type="checkbox"/> SUSPECT <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> OTHER DATA									
27 WEAPONS DATA									
28 POSSIBLE POINT OF ENTRY DATA									
29 THINGS FOUND IN VEHICLE DATA									
30 VEHICLE ON TRAILER/SPECIALTY TYPE DATA									
31 DRIVER OF VEHICLE DATA									
32 REPORTING OFFICER'S NAME (PRINT) Borjesson, Lisa									
33 REPORTING OFFICER'S ID NUMBER 131									
34 REPORTING OFFICER'S SIGNATURE Borjesson, Lisa									
35 REPORTING OFFICER'S PHONE NUMBER DATA									
36 REPORTING OFFICER'S ADDRESS DATA									
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100 REPORTING OFFICER'S SUPERVISOR'S SUPERVISOR'S SUPERVISOR'S SUPERVISOR'S SUPERVISOR'S SUPERVISOR'S TITLE DATA									

UC0111

OPERATOR 1	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO.	STATE	OTHER IDENTIFYING MARKS
VEHICLE 1							
OPERATOR 2	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO.	STATE	OTHER IDENTIFYING MARKS
VEHICLE 2							

Follow dotted lines to draw outline of roadway at place of accident.
Number each vehicle and show direction of travel by arrow.

→ 1 2 ←

Use solid line to show path before accident. → 2

Use solid line after accident. → 2

Show pedestrian by: ○

Show utility poles by: ○

Show motorcycle by: ⊙

IDENTIFY STREETS
BY NAME OR NUMBER

DRAW ARROW
INDICATING
NORTH

(Circle)
Direction of Travel N S E W
Vehicle 1 1 2 3 4
Vehicle 2 1 2 3 4

51. NARRATIVE:

IN SUMMARY
IN REFERENCE TO PIR # U2020 080708 0238HRS.
OFFICER GALAZA UNIT 101 RESPONDED TO A 10-1 CALL TO ASSIST
UNIT 109 OFF. FOLLOWS, OFF GALAZA REPORTED WHILE TRYING
TO HAND CUFF THE SUSPECT HE INJURED HIS RIGHT SHOULDER.
REFER TO PIR # 42024

1. TYPE OF INCIDENT SERVICE <input type="checkbox"/> OFFENSE <input type="checkbox"/> ATTEMPTED OFFENSE <input type="checkbox"/>		2. CLASSIFICATION CODE 61		3. CLASSIFICATION Injured Person	
4. ADDRESS OF OCCURRENCE 1435 E 5320 ST				5. DATE OCCURRED (MM-DD-YY) 18 OCT 08	
6. APT. OR ROOM NUMBER D-n-A				7. TIME OF OCCURRENCE 0236	
8. APT. OR ROOM NUMBER D-n-A		9. TYPE OF PROPERTY X HOME OF PROPERTY		10. DATE REPORTED 18 OCT 08	
11. TYPE OF PROPERTY X HOME OF PROPERTY		12. RESIDENCE X NON RESIDENCE		13. TIME REPORTED 18 OCT 08	
14. GIVE NAME OF BLDG OR TYPE OF LOCATION WHERE INCIDENT OCCURRED STREET				15. BUILDING CODE D-n-A	
16. REPORTED VIA X ON VIEW				17. REPORTED BY OTHER	
ALL INFORMATION, DESCRIPTIONS, AND STATEMENTS IN THIS REPORT ARE APPROXIMATIONS OR SUMMARIZATIONS UNLESS INDICATED OTHERWISE					
18. COMPLAINTANT MOORE, CLARENCE		19. ADDRESS 5555 SELLIS CHgo IL		20. HOME PHONE 702-8181	
21. DEPT. & POSITION POLICE		22. EMPLOYER U OF CHgo		23. BUSINESS PHONE 702-8181	
24. RELATIVE OF X STAFF		25. COMPLETE INFO ON LINE 24		26. TIME AVAILABLE Any	
27. ILLNESS X INJURY		28. TREATED X RELEASED		29. ADMITTED X ROOM NO.	
30. PHYSICIAN		31. HOSPITAL		32. NAME OF OFFENDER	
33. NAME OF SUSPECT		34. NAME OF VICTIM		35. NAME OF WITNESS	
36. NAME OF OTHER		37. NAME OF OTHER		38. NAME OF OTHER	
39. NAME OF OTHER		40. NAME OF OTHER		41. NAME OF OTHER	
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87. NAME OF OTHER		88. NAME OF OTHER		89. NAME OF OTHER	
90. NAME OF OTHER		91. NAME OF OTHER		92. NAME OF OTHER	
93. NAME OF OTHER		94. NAME OF OTHER		95. NAME OF OTHER	
96. NAME OF OTHER		97. NAME OF OTHER		98. NAME OF OTHER	
99. NAME OF OTHER		100. NAME OF OTHER		101. NAME OF OTHER	
102. NAME OF OTHER		103. NAME OF OTHER		104. NAME OF OTHER	
105. NAME OF OTHER		106. NAME OF OTHER		107. NAME OF OTHER	
108. NAME OF OTHER		109. NAME OF OTHER		110. NAME OF OTHER	
111. NAME OF OTHER		112. NAME OF OTHER		113. NAME OF OTHER	
114. NAME OF OTHER		115. NAME OF OTHER		116. NAME OF OTHER	
117. NAME OF OTHER		118. NAME OF OTHER		119. NAME OF OTHER	
120. NAME OF OTHER		121. NAME OF OTHER		122. NAME OF OTHER	
123. NAME OF OTHER		124. NAME OF OTHER		125. NAME OF OTHER	
126. NAME OF OTHER		127. NAME OF OTHER		128. NAME OF OTHER	
129. NAME OF OTHER		130. NAME OF OTHER		131. NAME OF OTHER	
132. NAME OF OTHER		133. NAME OF OTHER		134. NAME OF OTHER	
135. NAME OF OTHER		136. NAME OF OTHER		137. NAME OF OTHER	
138. NAME OF OTHER		139. NAME OF OTHER		140. NAME OF OTHER	
141. NAME OF OTHER		142. NAME OF OTHER		143. NAME OF OTHER	
144. NAME OF OTHER		145. NAME OF OTHER		146. NAME OF OTHER	
147. NAME OF OTHER		148. NAME OF OTHER		149. NAME OF OTHER	
150. NAME OF OTHER		151. NAME OF OTHER		152. NAME OF OTHER	
153. NAME OF OTHER		154. NAME OF OTHER		155. NAME OF OTHER	
156. NAME OF OTHER		157. NAME OF OTHER		158. NAME OF OTHER	
159. NAME OF OTHER		160. NAME OF OTHER		161. NAME OF OTHER	
162. NAME OF OTHER		163. NAME OF OTHER		164. NAME OF OTHER	
165. NAME OF OTHER		166. NAME OF OTHER		167. NAME OF OTHER	
168. NAME OF OTHER		169. NAME OF OTHER		170. NAME OF OTHER	
171. NAME OF OTHER		172. NAME OF OTHER		173. NAME OF OTHER	
174. NAME OF OTHER		175. NAME OF OTHER		176. NAME OF OTHER	
177. NAME OF OTHER		178. NAME OF OTHER		179. NAME OF OTHER	
180. NAME OF OTHER		181. NAME OF OTHER		182. NAME OF OTHER	
183. NAME OF OTHER		184. NAME OF OTHER		185. NAME OF OTHER	
186. NAME OF OTHER		187. NAME OF OTHER		188. NAME OF OTHER	
189. NAME OF OTHER		190. NAME OF OTHER		191. NAME OF OTHER	
192. NAME OF OTHER		193. NAME OF OTHER		194. NAME OF OTHER	

11.

OPERATOR 1 CLE 1	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO.	STATE	OTHER IDENTIFYING MARKS
OPERATOR 2 VEHICLE 2	COLOR	YEAR	MAKE	BODY STYLE	LICENSE NO.	STATE	OTHER IDENTIFYING MARKS

Follow dotted line to draw outline of roadway at place of accident.
Number each vehicle and show direction of travel by arrow.

IDENTIFY STREETS BY NAME OR NUMBER

DRAW ARROW INDICATING NORTH

→ 1 2 ←

Use solid line to show path before accident. → 2

Dotted line after accident. --- 2

Show pedestrian by: ○

Show utility poles by: ○

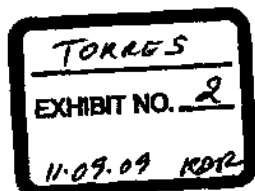
Show motorcycle by: ⊗

Direction of Travel	(Circle)			
	N	S	E	W
Vehicle 1	1	2	3	4
Vehicle 2	1	2	3	4

51. NARRATIVE:

In Summary:

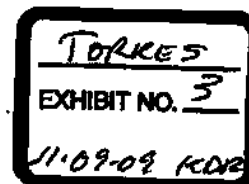
Agave listed location, date and times Officer Moore #1012 unit 101 responded to a 10-1 call to assist unit 109 Officer Torres. Officer Moore injured his left wrist while in process of handcuffing and placing off-own in custody. Reference PDI U7020



THE UNIVERSITY OF CHICAGO
POLICE DEPARTMENT
RECORD OF ARREST

Last Name		First		MI
D Boyle		CHARLES		D
Address				
N/A				
Address				Phone
6733 S. CHAPPEL				363-773 12575
Male <input checked="" type="checkbox"/>	Age	Weight	Height	Mark, Scars, etc.
Female <input type="checkbox"/>	21	150	5'09"	LFT ALN TATTOO RT ARM
Wht. <input type="checkbox"/>	Comp. <input type="checkbox"/>	Med. <input type="checkbox"/>	SI. <input type="checkbox"/>	Bm. <input checked="" type="checkbox"/>
Race Blk. <input checked="" type="checkbox"/>		Drk. <input checked="" type="checkbox"/>	Bld. Med. <input type="checkbox"/>	Eyes Bl. <input type="checkbox"/>
Oth. <input type="checkbox"/>			Wvy. <input type="checkbox"/>	Grey <input type="checkbox"/>
				Green <input type="checkbox"/>
Where Employed				
ST. PATRICK'S CHURCH				
Date of Birth		Social Security Number		
04/07/1987		335 178 4561		
Place of Arrest		Date & Time of Arrest		
1435 E		18 OCT 08 02:38		
Initiated <input checked="" type="checkbox"/>				
Assigned <input type="checkbox"/>				
Charges and Type of Arrest		<input type="checkbox"/> Misd. Warrant <input type="checkbox"/> Felony Warrant <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Traffic		
INTERFERING WITH PUBLIC OFFICER (RESISTING)				
Arresting Officers	Chgo. Police Dept.	U of CPD.		
2 DARLING	19135 2nd Dist.	C MOORE 1012 L TORRES 1028		
Complainant's Name				
C MOORE # 1012 L TORRES # 1028				
Address				Phone
5555 S. ELIS				773 1762-8181
Court Rm.	Date & Time		IR #	
34-2	04 DEC 08 9:00 AM			
Docket #	Final Disposition			

U/C
0051



Last Name SINCLAIR		First STEVEN		MI D	Campus Area
Address 7834 S LANSKY					Phone
Location of Contact 1435 E 53ST			Date & Time of Contact 18 OCT 08		
Race B	Sex M	Age 21	Hght. 5'7	Wght. 165	Hair BLK
				Eyes BLU	Compl. DRK
Clothing Worn BLK Hoodie + BLK JEANS					Scars N/A
Desc. of Vehicle Involved SILVER CHRYSLER				Driver's Lic. No. 5524-7848-7048	
Incident Report #					

THE UNIVERSITY OF CHICAGO
POLICE DEPARTMENT
Field Contact Card

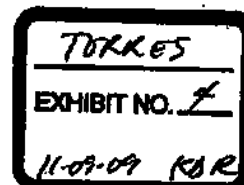
UCS

Last Name Roberson		First Kenneth		MI D	Campus Area
Address 7533 S. KING DR					Phone
Location of Contact 1412 E 53ST			Date & Time of Contact 18 OCT 08		
Race B	Sex M	Age 21	Hght. 5'10	Wght. 165	Hair BLK
				Eyes BRN	Compl. DRK
Clothing Worn BLK Hoodie + DRK JEANS					Scars N/A
Desc. of Vehicle Involved				Driver's Lic. No. 12/15/86	
Incident Report #					

THE UNIVERSITY OF CHICAGO
POLICE DEPARTMENT
Field Contact Card

UCS

U/C
0064



Last Name		First		MI		Campus Area	
GLOVER		ASHLEY				Phone 773 757-7019	
Address 13033 S. SEELEY BLUE ISLAND							
Location of Contact				Date & Time of Contact			
1435 E 53 ST				18 OCT 06			
Race	Sex	Age	Height	Weight	Hair	Eyes	Complexion
		31	507	112	BLK	BRN	MED
D. O. B.						Scars	
Clothing Worn BLK JACKET DRK PANTS						Driver's Lic. No. N/A	
Desc. of Vehicle Involved SILVER CHRYSLER						Incident Report #	

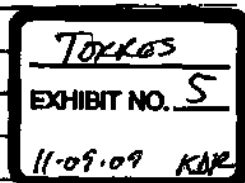
THE UNIVERSITY OF CHICAGO
POLICE DEPARTMENT
Field Contact Card

UCS

NARRATIVE:

IN SUMMARY ON 12 DEC 08 AT APPROX. 0900AM
 RJA'S TORRES + MOORE APPEARED IN COURT BRANCH
 46 Room 304 AT 09:00AM FOR DEFENDANT DYLE,
 CHARLES FOR PDI # U2020 SUSPICIOUS PERSON/AJTC
 CPD RD # HP634061 INTERFERENCE WITH A POLICE OFFICER.
 THE CASE WAS CONTINUED TO 30 JAN 09 BRANCH 46
 RM 304 AT 13:30PM

IN SUMMARY ON 18 OCT 08 AT APPROX 2:38HRS
 WHILE ON PATROL RJA'S MOORE #102 + TORRES #1028
 NOTICED A SILVER CHEVROLET DRIVING EAST BOUND ON
 535. THE VEHICLE CARRIED AND RJA'S INVESTIGATED
 THE SITUATION AT WHICH TIME OFFICER DYLE BECAME
 VERY EVASIVE AND THEN COMBATIVE. RJA'S CALLED FOR
 ASSISTANCE AND WAS PLACED INTO CUSTODY AND PROCESSED
 AT THE 21ST DIST POLICE STATION.



U/C
 0052

PAGE 1 OF 1

SUPERVISOR:
 RJA

Sgt. Torres

OFFICER:
 TORRES

1028

RZRT 201 011 VVA 0010T 0007/07120

The University of Chicago Police Department

ARREST CLEARING AND CLOSING / OFFENSE CLEAR UP / COURT INFO

ORIGINAL INCIDENT DATE: <u>18 OCT 08</u>	SUPPLEMENTAL DATE/TIME: <u>20 JAN 09</u>	TYPE OF INCIDENT: <u>Suspicious AUTO</u>	PDI # <u>00020</u>
<input checked="" type="checkbox"/> COURT REPORT: BRANCH: <u>46 (555 W Harrison)</u> JUDGE: <u>Donnelly</u>			
COMPLAINANT(S): <u>TORRES + 1028</u> <u>MALOE # 1012</u>			
DEFENDANT: <u>Charles Boyle</u>	DOCKET # <u>08-27751</u>	CHARGE: <u>Resisting</u>	
DEFENDANT: _____	DOCKET # _____	CHARGE: _____	
DEFENDANT: _____	DOCKET # _____	CHARGE: _____	
DEFENDANT: _____	DOCKET # _____	CHARGE: _____	
OFFICER'S IN COURT: <u>TORRES + 1028</u>			
STATE'S ATTORNEY: _____		DEFENSE ATTORNEY(S): _____	
PERSON(S) TRANSPORTED: <u>N/A</u>			

☐ OFFENSE CLEARANCE: ☐ Administrative Clearance ☐ Cleared by Arrest ☐ Cleared Exceptional ☐ Cleared Unfounded

COMPLETE THE REVERSE SIDE SUMMARIZING THE INVESTIGATION
INDICATE ADMISSIONS, WEAPONS AND VEHICLES USED, M.O. AND PROPERTY RECOVERED

SUSPECT: _____	SEX/RACE: _____	DOB: _____	SOC# _____
ADDRESS: _____			
IN CUSTODY DATE/TIME: _____		LOCATION OF ARREST: _____	
ARRESTING AND ASSISTING OFFICERS: _____			
CHARGE(S): _____		COURT DATE AND BRANCH: _____	
SUSPECT: _____	SEX/RACE: _____	DOB: _____	SOC# _____
ADDRESS: _____			
IN CUSTODY DATE/TIME: _____		LOCATION OF ARREST: _____	
ARRESTING AND ASSISTING OFFICERS: _____			
CHARGE(S): _____		COURT DATE AND BRANCH: _____	
SUSPECT: _____	SEX/RACE: _____	DOB: _____	SOC# _____
ADDRESS: _____			
IN CUSTODY DATE/TIME: _____		LOCATION OF ARREST: _____	
ARRESTING AND ASSISTING OFFICERS: _____			
CHARGE(S): _____		COURT DATE AND BRANCH: _____	
SUSPECT: _____	SEX/RACE: _____	DOB: _____	SOC# _____
ADDRESS: _____			
IN CUSTODY DATE/TIME: _____		LOCATION OF ARREST: _____	
ARRESTING AND ASSISTING OFFICERS: _____			
CHARGE(S): _____		COURT DATE AND BRANCH: _____	
			U/C _____
			0060 _____

NOTIFICATIONS: ADVISORY SENT TO TORRESTRANSMITTAL S: 20 JAN 09 1012 1012

NARRATIVE:

TAJ Summary on 18 OCT 08 AT APPROX 2:30 AM
 R/W's MORRE #1612 + TERRES #1028 NOTICED A SILVER
 CHRYSLER DRIVING EAST BOUND ON 53 ST. TWO MALE SUBJECTS
 EXITED VEHICLE AND BEGAN WALKING EAST BOUND ON 53 ST.
 THE THIRD SUBJECT CHARLES BOYLE EXITED VEHICLE AND
 OPENED HOOD OF VEHICLE. HE'S THEN ASKED BOYLE FOR
 ID REFUSED AND THEN BECAME COMBATIVE + HE TERRES
 CALLED FOR ASSISTANCE.

ON 30 JAN 09 HE'S RETURNED TO BRANCH 46
 IN FRONT ON JUDGE DINWELLY WHO DISMISSED ALL
 CHARGES AGAINST CHARLES BOYLE DUE TO CPD
 COMPLAINTS WRITTEN WRONG.

U/C
 0061

PAGE / OF /

SUPERVISOR:

NAME

850
 RANK

OFFICER:

NAME

1028
 STAR #

SPECIAL ORDER

1 February 1990

1 February 1990

01-90

SUBJECT	DIST.	AMENDS
Questioning and Frisk Without Arrest	AC, CU, SU, PU	None
RELATED DIRECTIVES		RESCINDS
None		None

I. PURPOSE

To provide guidelines that ensure judicial compliance, safeguarding citizen rights, and proper police conduct during temporary questioning and search without arrest.

II. POLICY

It is the policy of this Department to regulate the circumstances and manner in which officers may temporarily question without arrest.

III. PROCEDURE

A. Definition

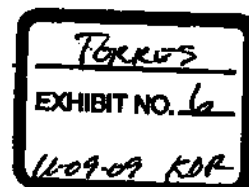
1. "Stop and Frisk" refers to stopping and detaining persons on public premises or on the street for the purposes of briefly questioning and obtaining personal identification.

- a. The "Stop" includes a temporary detention of a person for investigation. It occurs when an officer uses authority to compel a person to halt or remain in a certain place.
- b. A "frisk", which is distinguished from a search, is the running of hands rapidly over another person; it is done after a person is "stopped" solely for the purpose of discovering weapons if an officer has reason to believe the person is armed and dangerous.

B. Guidelines for a "Stop"

1. Will be made only when the officer has a reasonable belief that a crime is being committed, is about to be committed or has been committed by the person(s) stopped.
2. May be made with less than probable cause to arrest but the facts involving the stop must constitute "reasonable suspicion."
3. The officer will identify himself and state the purpose for the "Stop."
4. Persons will be detained for a reasonable period of time only.
5. Detention and questioning will be conducted in the vicinity of where the person was stopped.

U/C0120



6.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)	
Plaintiff,)	
v.)	
)	No. 09 C 1080
UNIVERSITY OF CHICAGO POLICE)	
OFFICER LARRY TORRES, et al.,)	
)	
Defendants.)	

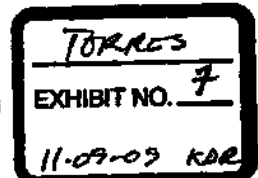
DEFENDANT TORRES'S ANSWERS TO PLAINTIFF'S INTERROGATORIES

NOW COMES the Defendant, UNIVERSITY OF CHICAGO POLICE OFFICER
LARRY TORRES, Star #1028 ("Torres"), by and through his attorneys, Hinshaw & Culbertson
LLP, and for his answers to Plaintiff's Interrogatories, states as follows:

PRELIMINARY STATEMENT

Defendant's responses to plaintiff's interrogatories are made solely for the purpose of this litigation. Any response made and any information provided by the defendant through these answers are subject to objections as to the competency, relevancy, materiality, propriety, or admissibility of the information sought in plaintiff's interrogatories and defendant's responses thereto. Any information provided through any answer or response is further subject to any and all other objections that would require the exclusion of any information provided herein if that information is sought to be elicited at any further proceeding including the trial of plaintiff's claims, and/or if the information identified herein is asked of or disclosed by a witness testifying at any further proceeding. All of the aforementioned objections are hereby expressly reserved and may be interposed at a later date.

Any answers or responses herein are based on present knowledge, information and belief and are made without prejudice to the objections set forth herein. Defendant reserves the right to amend and/or supplement his responses at any time to introduce in



not identified herein if it should it become known at any time through further investigation, and defendant obtains additional or different information from that provided herein. Defendant expressly reserves the right to revise, correct, add to or clarify any answer, response and/or objections set forth below. Defendant further specifically reserves the right to rely upon such facts or documents and persons having knowledge of such facts or documents, as may be derived through future discovery or through his continuing investigation in this matter, or as may be adduced at trial.

Any answer or response set forth below is based on information presently available to defendant, and except for explicit facts expressly set forth herein, no incidental or implied admissions are intended thereby. The fact that defendant has answered, responded or objected to any paragraph of plaintiff's interrogatories or any part thereof, is not intended to be and should not be construed to be an admission by the defendant that he accepts or admits the existence of any facts set forth or assumed by said discovery requests, nor should it be construed as a waiver by the defendant of all or any part of objection to any request for production made by plaintiff. The fact that defendant has answered, responded to, or objected to any paragraph of plaintiff's interrogatories should not be taken as an admission that such answer, response or objection constitutes admissible evidence.

ANSWERS TO INTERROGATORIES

1. Please identify (including title) all persons who assisted in the responses to these interrogatories.

ANSWER: Larry Torres. My attorney, Steven Puiszis, consulted with me in preparing these answers.

2. Please identify all persons, including but not limited to police officers, who witnessed or have knowledge of the incident alleged in the Plaintiff's Complaint.

ANSWER: Objection, the defendant objects to Interrogatory No. 2 because it is vague and ambiguous in that it refers to "the incident alleged in plaintiff's Complaint." Plaintiff's claims include allegations concerning his arrest and the purported use of force against him as well as a state law claim of malicious prosecution. Therefore, the term "incident" as used in Interrogatory No. 2 is vague and ambiguous. Subject to that objection and without waiving same, Officer Clarence Moore and Larry Torres were the original two officers from the University of Chicago on the scene. After the University of Chicago dispatcher called for a 10-1, or officers in need of assistance, other University of Chicago officers responded to the scene including Oscar Galarza, Michael Kwiatkowski, and Arthur Gillespie. Galarza, Kwiatkowski

and Gillespie assisted Torres and Moore at some point in getting the plaintiff to the ground and then handcuffing him. Officer Moore injured his left wrist and Officer Galarza injured his shoulder in the process. Officer Gillespie was kicked in the head by the plaintiff, breaking his glasses.

Other officers from the University of Chicago also responded and would have seen the plaintiff either on the ground or in handcuffs or being escorted to a City of Chicago squad car for transportation. Officer Gerald Johnson and a Lieutenant White from the University of Chicago Police Department were on the scene at some point.

Officers from the City of Chicago would have also responded to the scene in connection with a call for assistance and would have transported Charles Boyle to the local police station for processing and would have prepared his paperwork. They would have included Officers Darling and Martin. Other officers from the City of Chicago may also have responded as well, I don't know their names. I believe there were other individuals who were at the scene who may or may not have witnessed some or all of what transpired, including an Ashley Glover, Kenneth Roberson and Steven Sinclair. The defendant's investigation continues.

3. Please identify all persons, including but not limited to police officers, who are believed by defendant to have knowledge supporting Defendant's denials of Plaintiff's allegations. Briefly summarize what knowledge Defendant believes each person may possess.

ANSWER: Objection, defendant objects to this Interrogatory on the grounds that it seeks attorney work-product and is vague and ambiguous in that it seeks parties to identify anyone believed "to have knowledge supporting the defendant" and also asks for a summary of "what knowledge" this defendant "believes each person may possess." That information is more proper the subject of a deposition and to require the provision of such a summary is overbroad, harassing and unduly burdensome. Subject to those objections and without waiving same, see those individuals listed in Interrogatory No. 2 and defendants who were identified in the

University of Chicago defendants' Rule 26 Disclosures. The University of Chicago officers would have knowledge of their activities at the scene of the occurrence and subsequent thereto.

4. Identify all police officers who were present at or near 1435 East 53rd Street, Chicago, Illinois 60615 at the time of the incident alleged in the complaint, and for each such officer indicate the following:

- a. Why he/she was at that location;
- b. Whether he/she had any physical contact with Plaintiff;
- c. Whether he/she participated in the arrest of Plaintiff;
- d. Whether he/she participated in the search of Plaintiff;
- e. Whether he/she had any participation in the bringing of criminal charges against Plaintiff.

ANSWER: Objection. Defendant objects to this Interrogatory as being vague and ambiguous in that it refers to the incident alleged in the Complaint and plaintiff's claims against the defendant include assertions relating to his arrest and to the purported use of force against him as well as a state law claim of malicious prosecution. Subparagraph (e) is vague and ambiguous in that you fail to define what you mean by "any participation in the bringing of the

criminal charges." Subject to those objections and without waiving same, see my answer to Interrogatory No. 2.

Officer Moore and me had just stepped out of a Dunkin Donuts after getting coffee when they observed a vehicle drive past us with its horn continuously blowing and then observed the vehicle abruptly swerve to the curb and bump it. They initially investigated what was happening. The other officers from the University of Chicago responded to a dispatch indicating that Officers Moore and Torres needed assistance. The University of Chicago officers Moore and Torres initially attempted to handcuff the plaintiff who refused to allow himself to be handcuffed and the other officers including Aguilar Kwiatkowski and Gillespie assisted in attempting to get the plaintiff onto the ground and handcuffed.

Officers Moore and I would have explained what happened at the scene of the incident to City of Chicago officers who would then prepare the arrest paperwork and any Complaints were signed by both Officer Moore and me.

5. If there were any investigations, including, but not limited to, an internal affairs, or O.P.S., investigation, relating to the incident alleged in Plaintiffs' Complaint, please state who conducted and/or took part in it, and state and describe its findings.

ANSWER: I do not personally know of any such investigation. However, my attorneys are aware that the plaintiff, using an alias, Charles Boyle made a complaint apparently under the name Charles D'Angelo.

Sergeant Kevin Murray was principally involved in the investigation of that complaint. Sergeant Chisem of the University of Chicago would also have knowledge concerning plaintiff's complaint using the name of Charles D'Angelo, and Investigator Salvatore of the Independent Police Review may have knowledge of a conversation with the plaintiff in which he refused to tell him about the incident and said "he had another way he was going to deal with this" or words to that effect.

Ultimately, the complaints filed by Plaintiff under the name of Charles D'Angelo were "unfounded" because of his refusal to participate in the investigation. Sergeant Murray's efforts to speak with the plaintiff are outlined in letters and in transcripts of phone calls that he made, copies of which were produced by the defendants and Bates stamped numbers U-C0001-0039.

6. State whether you sustained any physical injury during your interaction with plaintiff on or about October 18, 2008. If yes, describe your injury. Additionally, if you received any medical treatment of your injury state the date(s) of your treatment and identify the medical provider(s).

ANSWER: No I was not injured. I understand that Officer Gillespie was kicked in the head during the incident and his glasses were broken. I also understand that Officer Galarza injured his shoulder and Officer Moore injured his wrist, but I do not know what treatment they received.

7. Please state and describe your understanding of the policies and customs which govern the writing of any kind of log and/or report including, but not limited to, complaint report, arrest report, search report, property report, supplemental report, or otherwise, (1) when an individual is arrested for interfering with a public officer — resisting/obstructing/disarming an officer and (2) when the custody of an arrestee is transferred to the City of Chicago Police Department. Included in this response, must be when a log, report, or other document is to be written, on what type of form it is to be written, and what facts are to be put in such log, reports, or other document.

ANSWER: Objection. This interrogatory is vague and ambiguous in that it asks for "policies or customs" governing the writing of reports, logs, etc. Over that objection and without waiving same, my understanding is that any report I write should be an accurate summary of an event as best as I can recall it. Because it is only a summary, it cannot include all of the facts and may not incorporate facts that others deem important when reviewing an incident well after the fact. I am not aware of anything specific as it relates to interfering with a police officer or resisting or obstructing a police officer other than any report should be an accurate summary. University of Chicago employees are permitted to detain individuals who commit crimes and we turn any such person over to the Chicago Police who will then transport that person to a local

police station and process that person, including taking booking photos, filling out arrest reports, filing criminal complaints and seeking approval by the State's Attorney working felony review of felony charges. While University of Chicago employees write out our own reports, we do not prepare criminal complaints and do not process an arrestee during the booking process.

8. Please state how long and in what capacity you have been employed by the University of Chicago Police Department. Your response should include a brief description of your change in assignments and/or rank if any, and when those changes occurred. Your response should also include whether you were concurrently employed by the City of Chicago as a police officer at any time during your employment with the University of Chicago Police Department.

ANSWER: On the date of the incident involving Charles Boyle, I had been employed by the University of Chicago since January 2, 2007. I have worked as a patrol officer during that timeframe. At no time while I was employed by the University of Chicago Police Department was I concurrently employed by the City of Chicago as a police officer.

9. Please describe your assignment with the University of Chicago Police Department on October 18, 2008. Your response should include the actual time you began and ended your duties.

ANSWER: On October 18, 2008, I was working for the University of Chicago on the midnight shift. I was working assignment 109. Clarence Moore was riding with me to learn the University's practices and procedures.

10. State the case number, caption, and jurisdiction of all civil cases in which you were named a defendant during the course of your employment with the University of Chicago Police Department and/or the City of Chicago Police Department.

ANSWER: I have never worked for the Chicago Police Department and I have never been previously sued in my capacity as a University of Chicago Police officer.

11. Identify all complaints (and the names of all complainants), including but not limited to, complaints of false arrests, excessive use of force, unlawful search and/or seizure, perjury, malicious prosecution, or general misconduct which have been lodged against you during the course of your career with the University of Chicago Police Department. Your response should list each number, such as complaint register number, that has been assigned to each complaint, indicate when each investigation was concluded, and state the nature of punishment, if any, received by the defendant as a result of the complaint.

ANSWER: Defendant objects to this Interrogatory in that it is overbroad, unduly burdensome, harassing, and not designed to lead to the discovery of relevant or admissible information in that it seeks information about all civil cases in which I was named a defendant irrespective of whether a lawsuit was filed against me in some capacity other than as police officer. Additionally, the Interrogatory is overbroad, unduly burdensome, and not designed to lead to the discovery of relevant information since it does not seek information about other complaints that are substantially similar in nature. Subject to those objections and without waiving same, there have been no complaints that have been sustained against me with the University of Chicago.

12. Identify all documents, notes, memoranda, or other writings, including internal investigations statements, police reports, and inter-agency memos which you wrote which relate or refer to the Plaintiff and/or the incident alleged in the Plaintiffs complaint.

ANSWER: Any report, memo or other document which I prepared or wrote would contain my signature at some place on the document. My attorney has informed me that he has produced documents to your attention Bates stamped numbers U/C001-0079. Please see those documents for any that bear my signature.

13. State whether you gave any statement, oral, written or tape recorded, signed or unsigned to an investigator (internal or otherwise) in connection with the incident alleged in the complaint. If yes, state the current location of each original statement.

ANSWER: I did not make any such statement, other than speaking to my attorney and my conversations with my attorney which are privileged from disclosure.

14. State the name and current or last known address of each and every individual you may call as a witness in the trial of this matter.

ANSWER: Defendant objections to Interrogatory No. 14 on the basis that it is premature and seeks work product. Subject to and without waiving said objection, defendant states this is unknown to me at this time.

15. State whether you ever testified in any court proceeding relating to your interactions with plaintiff on October 18, 2008. If yes, state the date, courtroom, nature of court proceeding, and case number(s) associated with said testimony.

ANSWER: Yes. I was subpoenaed to testify before Judge Thomas Donnelly on January 20, 2009 in Branch 46.

16. State whether you performed any duties of any kind as a University of Chicago Police Officer on January 20, 2009 and/or December 6, 2008. If yes, state the hours you performed your duties, and the location(s) where these duties were performed.

ANSWER: I was subpoenaed to testify before Judge Thomas Donnelly on January 20, 2009 in Branch 46 and appeared at that hearing on behalf of the University of Chicago.

17. State each and every fact that explains each affirmative defense set forth in your answer to the complaint. Identify all witnesses who support each affirmative defense, if any, and state the subject matter of each witness' knowledge.

ANSWER: Objection. This Interrogatory calls for attorney work product. Defendant further objects to this Interrogatory as overbroad and unduly burdensome and because it seeks information outside of my personal knowledge and calls for a legal conclusion. Defendant further objects that it is unduly burdensome and harassing. Subject to those objections and without waiving same, see the information disclosed in the University of Chicago Defendant's Rule 26(a)(1) Disclosures as well as information disclosed in connection with the University of Chicago Defendants' Response to Plaintiff's Production Request and these Answers to Interrogatories.

By: _____

Officer Larry Torres

SUBSCRIBED AND SWORN TO
before me this 20th day of July, 2009.

Ellen L. Jennings Morgan
Notary Public

